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**1994**

# ***Illinois Register***

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Rules of Governmental Agencies

Volume 18, Issue 6 — February 14, 1994

Pages 2178-2551

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Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
(217) 782-7017



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published by  
**George H. Ryan**  
Secretary of State



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## REGISTER PUBLICATION SCHEDULE 1994

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 21, 1993	Dec. 28, 1993	1	Jan. 7, 1994	June 28, 1994	July 5, 1994	28	July 15, 1994
Dec. 28, 1993	Jan. 4, 1994	2	Jan. 14, 1994	July 5, 1994	July 12, 1994	29	July 22, 1994
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Jan. 18, 1994	Jan. 25, 1994	5	Feb. 4, 1994	July 26, 1994	Aug. 2, 1994	32	Aug. 12, 1994
Jan. 25, 1994	Feb. 1, 1994	6 (Mon.)	Feb. 14, 1994	Aug. 2, 1994	Aug. 9, 1994	33	Aug. 19, 1994
Feb. 1, 1994	Feb. 8, 1994	7	Feb. 18, 1994	Aug. 9, 1994	Aug. 16, 1994	34	Aug. 26, 1994
Feb. 8, 1994	Feb. 15, 1994	8	Feb. 25, 1994	Aug. 16, 1994	Aug. 23, 1994	35	Sept. 2, 1994
Feb. 15, 1994	Feb. 22, 1994	9	Mar. 4, 1994	Aug. 23, 1994	Aug. 30, 1994	36	Sept. 9, 1994
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Mar. 1, 1994	Mar. 8, 1994	11	Mar. 18, 1994	Sept. 6, 1994	Sept. 13, 1994	38	Sept. 23, 1994
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Apr. 19, 1994	Apr. 26, 1994	18	May 6, 1994	Oct. 25, 1994	Nov. 1, 1994	45	Nov. 14, 1994 (Mon.)
Apr. 26, 1994	May 3, 1994	19	May 13, 1994	Nov. 1, 1994	Nov. 7, 1994 (Mon.)	46	Nov. 18, 1994
May 3, 1994	May 10, 1994	20	May 20, 1994	Nov. 7, 1994	Nov. 15, 1994	47	Nov. 28, 1994 (Mon.)
May 10, 1994	May 17, 1994	21	May 27, 1994	Nov. 15, 1994	Nov. 22, 1994	48	Dec. 2, 1994
May 17, 1994	May 24, 1994	22	June 3, 1994	Nov. 22, 1994	Nov. 29, 1994	49	Dec. 9, 1994
May 24, 1994	May 31, 1994	23	June 10, 1994	Nov. 29, 1994	Dec. 6, 1994	50	Dec. 16, 1994
May 31, 1994	June 7, 1994	24	June 17, 1994	Dec. 6, 1994	Dec. 13, 1994	51	Dec. 23, 1994
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June 21, 1994	June 28, 1994	27	July 8, 1994	Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## ILLINOIS REGISTER

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Number: Proposed Action:

121.182

Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: The proposed rule increases the maximum amount that an Earnfare participant can earn subsequent to working off the food stamp benefits at minimum wage from \$154.00 to \$231.00 per month.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.170	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.174	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.182	Amendment	December 27, 1993 (17 Ill. Reg. 21991)
121.188	Amendment	December 27, 1993 (17 Ill. Reg. 21991)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umuna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave. E., 3rd Floor, Springfield, Illinois 62762. The Department will consider all written comments it receives within 30 days after the publication of this notice.

12) Initial Regulatory Flexibility Analysis:

A) Date proposed rulemaking was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not applicable

# NOTICE OF MOVE OF OFFICES

Please note that, effective January 25, 1994, the Administrative Code Division of the Secretary of State's Index Department has moved to the Index Department Building at 111 East Monroe Street, Springfield, Illinois, 62756. (Telephone 217-782-7017)



B) Types of small businesses affected: None

C) Reporting, bookkeeping or other procedures required for compliance:  
None

D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page \_\_\_\_\_.

### The Heading of the Part;

Preventive Health and Health Services Block Grant Programs

Code Citation:

77 Ill. Adm. Code 960

Section Numbers:

**Proposed Action:**

960.10	Repeater
960.20	Repeater
960.30	Repeater
960.40	Repeater
960.50	Repeater
960.60	Repeater
960.70	Repeater
960.80	Repeater
960.90	Repeater
960.100	Repeater
960.210	Repeater
960.220	Repeater
960.230	Repeater
960.240	Repeater
960.250	Repeater
960.310	Repeater
960.320	Repeater
960.330	Repeater
960.340	Repeater
960.350	Repeater

Statutory Authority:

Implementing and authorized by Section 55 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1981, ch. 127, par. 55). Subpart B is also implementing and authorized by Section 4 of the High Blood Pressure Control Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 2601 et seq.). Subpart C is also implementing and authorized by Section 6-1 of the Rape Victims Emergency Treatment Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 87-1 et seq.).

### A Complete Description of the Subject and Issues Involved:

This proposed repealer will be replaced by new proposed rules published in this issue of the Illinois Register. The rulemaking specifies the process by which the Department awards



## DEPARTMENT OF PUBLIC HEALTH

## BUREAU OF VETERINARY MEDICINE

Presumptive Salmon and Shigella Serovar Bacterium in Iowa aqueduct for the purpose of  
prevention of disease.

1. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

2. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

3. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

4. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

5. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

6. Salmonella enteritidis (serovar Enteritidis) isolated from a human.

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## DEPARTMENT OF PUBLIC HEALTH

## BUREAU OF VETERINARY MEDICINE

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## TITLE 77: PUBLIC HEALTH

## CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

## SUBCHAPTER II: MISCELLANEOUS PROGRAMS AND SERVICES

## PART 960

## PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT PROGRAMS

SUBPART A: PROGRAM REQUIREMENTS COMMON TO  
ALL APPLICANTS UNDER THIS GRANT

## SECTION

960.10 Legislative Authority - Federal

960.20 Administration

960.30 Project Services - Description

960.40 Definitions

960.50 Program Elements

960.60 Assurances

960.70 Applications

960.80 Termination

960.90 Administrative Procedure Act - Application

960.100 Review Under Administrative Review Law

## SUBPART B: HYPERTENSION CONTROL

## SECTION

960.210 Legislative Base - Federal and State

960.220 Administration

960.230 Project Services - Personnel Standards

960.240 Program Elements

960.250 Application Preparation and Development

## SUBPART C: RAPE CRISIS

## SECTION

960.310 Legislative Base - Federal and State

960.320 Administration

960.330 Project Services

960.340 Definitions

960.350 Application Preparation and Development

**AUTHORITY:** Implementing and authorized by Section 55 of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1981, ch. 127, par. 55). Subpart B is also implementing and authorized by Section 4 of "The High Blood Pressure Control Act" (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 2601 et seq.). Subpart C is also implementing and authorized by Section 6-1 of the "Rape Victims

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

Emergency Treatment Act" (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 87-1 et seq.).

**SOURCE:** Emergency rule adopted and codified at 6 Ill. Reg. 10213, effective August 11, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 684, effective January 4, 1983; repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalized text denotes statutory language.

SUBPART A: PROGRAM REQUIREMENTS COMMON TO  
ALL APPLICANTS UNDER THIS GRANT

## Section 960.10 Legislative Authority - Federal

- a) The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35, effective October 1, 1981) Title IX - Health Services and Facilities; established several Block Grant programs to be administered by the Secretary of Health and Human Services. Section 901 of the Act amends the Public Health Service Act by adding a new Title XIX, Subpart A, Preventive Health and Health Services Block Grant replacing the following categorical grant programs:

- 1) Fluoridation;
- 2) Emergency Medical Services;
- 3) Rape Crisis;
- 4) Home Health Services;
- 5) Health Education/Risk Reduction;
- 6) Hypertension Control;
- 7) Comprehensive Public Health Services;
- 8) Rodent Control;

- b) The Act does stipulate that a certain amount of the state's allotment must be expended for Rape Crisis and Hypertension Control. These two categorical grant programs must comply with both the basic requirements in Subpart A and the specific requirements for each in Subpart B and Subpart C.

- c) Section 901 also stipulates that amounts provided in the Preventive Health and Health Services Block Grant can be used for related planning, administration and educational activities; however, Section 1904(d) states that of the amount allotted to the State, no



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

more than 10 percent of the Block Grant award may be used for administering the funds.

- d) Prohibitions on fund uses are that neither the State nor its grantees may expend the funds, provided herein, for inpatient services; to make cash payments to intended recipients; to purchase or improve land, purchase, construct or permanently improve any building or facility; to supplant local, state, or other non-federal funds; to satisfy any requirement for the expenditure of non-federal funds as a condition to the receipt of federal funds; to pay dues to societies, organizations or federations; to reimburse entertainment costs; to cover general agency overhead; for the costs of the operation of an Emergency Medical Services (EMS) system or the purchase of equipment for such a system; to influence the passage, amendment or defeat of any legislation by the Congress or the General Assembly; or to provide financial assistance to any entity other than a public or non-profit entity.

## Section 960.20 Administration

The Governor designated the Illinois Department of Public Health as the administering agency for the Preventive Health and Health Services Block Grant, September 22, 1981, pursuant to Ill. Rev. Stat. 1981, ch. 127, par. 55.

## a) General Provisions:

- 1) All block grant programs shall be administered pursuant to applicable federal and State statutes and administrative rules promulgated thereunder.
- 2) Planning, programming, budgeting and awarding of funds for the allowable programs under the Preventive Health and Health Services Block Grant is the responsibility of the Department. The Department shall develop annually, specifications regarding the Preventive Health and Health Services Block Grant expenditures and intended uses. Such specifications shall be published in the Department's Human Services Plan ("612") which shall be presented for public comment and submitted to the Governor for presentation to the Illinois General Assembly for legislative hearings. It then shall be submitted to the Department of Health and Human Services as part of the application for funding.
- 3) Each funded agency shall enter into a signed contract with the Department which sets forth the funded agency's responsibilities for the program's operations. Copies of each agreement shall be kept on file at both the Department and funded agency for purposes of review and audit.
- 4) Funded agencies shall be provided consultation and guidance for each project by Department personnel to assure progress by each project in meeting its

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

goals and objectives.

- 5) Each project funded under the program shall operate according to the contract and in conformance with these rules and regulations.

## b) Funding

- 1) The Department's method of financing a project shall be by the reimbursement of authorized expenditures unless a cash advance is approved pursuant to Section 960.20(b)(2) and specified in the contract drawn between the applicant agency and the Department, i.e., grant awards, purchase of service agreements, etc.
- 2) A cash advance shall be approved by the Department within thirty (30) days when the applicant agency demonstrates an emergency need for such funds. Such need shall be set forth in writing and signed by both the director of the project and the applicant agency's executive officer. Repayment and reconciliation methodology shall be set forth in writing by the Department and shall be a condition of the grant award or contract. At the conclusion of a grant period, all unexpended funds remaining shall be remitted and made payable to the Illinois Department of Public Health.

## c) Reimbursement

- 1) Requests for reimbursement, for the allowable expenses incurred in the operation of the project, shall be prepared and submitted quarterly by the applicant unless otherwise agreed upon and specified in the contract. All reimbursement requests shall be reviewed by the Department to ensure that all items claimed are allowable. Requests which include unallowable items shall be returned to the project director for correction. As soon as the voucher is corrected and returned, it will be routinely processed.
- 2) Complete reimbursement requests shall consist of a State of Illinois Invoice Voucher in the format for project billing. Billings shall be prepared in accordance with the current Comptroller's Uniform Statewide Accounting System (CUSAS) and the procedural guidelines issued by the Department.
- 3) The Department will reimburse the grantee within 60 days of receipt of a complete and correct request.

## d) Auditing

- 1) Compliance - Department personnel shall review each project annually for compliance with all applicable local, State and federal code regulations.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

ordinances and laws pertaining to these programs. Within the limits of available resources, each project will be analyzed for appropriateness and quality of its services in accordance with the project plans, and the goals and objectives contained therein.

- 2) Fiscal - The State shall audit expenditures by applicants and such audits shall be conducted by an independent audit unit in accordance with the Comptroller General's standards for auditing (46 FR 9548, Jan. 1981 and 46 FR 17185, June 1980).
- 3) Standards - The Department shall conduct audits of local projects by the authority of "An Act in relation to the establishment and maintenance of county and multiple-county public health departments." (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 20c.01). Such audits shall be performed in accordance with "An Act relating to internal auditing in State government" (Ill. Rev. Stat. 1981, ch. 127, pars. 136.1 through 136.4), in accordance with the standards promulgated by the Institute of Internal Auditors, the Standards promulgated by the Comptroller General of the United States and the American Institute of Certified Public Accountants. Interim audits at the Department and local level may be conducted at any time by the Department to ensure fiscal/compliance integrity or on a determined need basis.
- 4) Each applicant shall maintain accountability and program records to show the disposition of all grant funds expended for activities for which the grant was made. Record retention requirements shall not be imposed over and above those established by the State and local governments receiving federal grants, except that financial records, supporting documents, statistical records, and all other records pertinent to a grant program shall be retained for a period of three years with the following qualifications.
  - A) The records shall be retained beyond the three-year period if audit findings have not been resolved.
  - B) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for three years.
  - C) The retention period starts from the date of the submission of the final expenditure report, or for grants which are renewed annually, from the date of the submission of the annual expenditure report.

Section 960.30 Project Services - Description

Services to be provided by the various projects will be set forth in the contract between the Department and the funded agency.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

## Section 960.40 Definitions

"Comprehensive Public Health Services" - includes all of the program activities associated with home health services, rape prevention, emergency medical services, chronic disease including hypertension, health education/risk reduction, vector prevention and pest control including rat control, dental health including fluoridation, communicable disease control, food sanitation, potable water supplies, private sewage disposal, solid waste, nuisance control, maternal health and family planning, child health, pediatric lead poisoning and poison control, nutrition services and recreational areas. The definition excludes expenditures specifically required by federal statutory law as a condition to the receipt of federal financial assistance, i.e., "matching" funds and expenditures for operating inpatient care facilities, construction, or mental health programs. The definition also excludes activities which have adequate alternative sources of support and activities which are not health protection or enhancement services resulting directly or in a contributory fashion in public health services to populations or individuals, such as:

Third-party payments for medical care.

Drug abuse and alcoholism treatment and rehabilitation services;

Administration of Medicaid programs;

Purchase of land or buildings;

Purchase of communications equipment and vehicles for emergency life support programs;

Mosquito abatement programs (except those specifically designed to control health hazards;

Garbage and refuse collection and disposal (except costs of inspecting and environmental monitoring through laboratory services; Municipal waste water treatment (except costs of inspecting and environmental monitoring through laboratory services; and

Biomedical and behavioral research programs

"Department" - means the Illinois Department of Public Health (IDPH).

"Director" - means the Director of the Illinois Department of Public Health.

"Regions" - means the eight administrative regions of the Illinois Department of Public Health



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

Section 960.50 Program Elements

## a) Use of Project Funds

Funds will be used only for the direct cost of administering, operating and maintaining a project. The following direct costs are examples of those which may be incurred when specified in the contract or grant award:

- 1) Personal services costs, including salaries and fringe benefits for full-time and part-time employees of the project.
- 2) Fees for consultants, specialists and other operating contractual requirements, exclusive of consultant services for patient care, pursuant to "An Act in relation to State finance." (Ill. Rev. Stat. 1981, ch. 127, par. 151a)
- 3) Travel of personnel, consultants and specialists in carrying out the activities approved for the applicant's program. Travel costs are the expenses for transportation, lodging, and subsistence for personnel who are on travel status on official business for the organization. Such costs will be charged on an actual basis, i.e., mileage and per diem when necessary; however, reimbursement shall not exceed the maximum rate established in the Illinois Department of Central Management Services' State of Illinois Travel Regulations, unless otherwise agreed upon and specified in the contract drawn between the applicant agency and the Department.

- 4) Supplies/commodities (Ill. Rev. Stat. 1981, ch. 127, par. 151b), as required in the operation of the project, which are directly related to its operations.

- 5) The only equipment which may be purchased with these grant funds must be directly related to the costs of installation, operation and maintenance of devices used in the fluoridation of water supplies and fluoride test equipment as included in the project application and directly related to the provision of the service(s) funded. A complete and current inventory of equipment shall be maintained and be available for audit. No property shall be sold, leased, or otherwise disposed of without prior written authorization from the Department ("equipment" as defined in Ill. Rev. Stat. 1981, ch. 127, par. 156, as amended).

- 6) Out of state travel and the leasing of equipment only where prior written approval has been obtained from the Department.

## b) Program Income

- 1) Program income shall be defined as gross income earned by a delegate agency from activities which are performed as a result of that delegate agency having

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

received a grant from the Department. Such income shall include fees for services performed and proceeds from the usage or rental of equipment funded by the grant. Revenues received from taxes, levies and fines are not considered program income.

- 2) Program income shall be retained by the delegate agency and used to fund project activities.

- 3) A project may charge recipients for certain services provided by the project pursuant to a flexible sliding fee scale where prior written approval of the Department has been obtained. The Department will approve such requests based upon descriptions of the program and budget as outlined in the application. Application for such approval shall be made at the time of project application.

## c) Records

- 1) The following administrative records shall be maintained by each project for a period of three years or until audits have been completed and all resulting questions or exceptions resolved:

A) All financial records of expenditures.

B) Personnel records for all project staff.

C) Statistical information derived from project activities.

D) Adequate records to document the services provided.

E) Inventory records of all equipment purchased from project funds.

- 2) The Department and the contractor shall maintain and protect the confidentiality of all client information. No client names will be required by the Department for documentation, evaluation or any other purpose. Information may be disclosed in summary, statistical, aggregates or other form which does not make it possible to identify any patient.

## d) Reports

Expenditure and performance reports shall be submitted to the Regional Office or to the appropriate Division in the Department within 30 working days following the close of each quarter. Such reports will be on forms specified by the Department and shall address at least the following points:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PROPOSED REPEALER

- 1) Comparison of the objectives which appeared in the approved project proposal with the actual achievements of the project.
- 2) Indicators of project productivity; i.e., clients served, referral, personnel trained, etc.
- 3) Changes in the project, i.e., in facilities or equipment, services and activities, population served, etc.
- 4) Documentation which supports all factual material above.
- 5) Descriptions of areas where performance or effectiveness does not meet project objectives.
- e) Evaluation

Projects will be monitored quarterly by the Department to review progress according to goals and measurable objectives stated in the grant application.

## f) Standards

Program standards for the two categorical program grants will be included in the contract between the Department and the funded agency.

## Section 960.60 Assurances

Each applicant agency shall agree in writing that:

- a) The program funds awarded under the Preventive Health and Health Services Block Grant are intended primarily for services to low income individuals, persons living in the areas which are underserved medically, individuals who are at high risk for certain diseases or conditions, or for persons unable to provide certain kinds of medical care or services for themselves. No person shall be denied services based on age, handicap, sex, race, religion, nationality, national origin, ethnic heritage or marital status. Services shall be made available upon referral from any source including the patient's own application as long as they meet eligibility requirements set forth in the grant application for the established project.
- b) The program funds awarded under the Preventive Health and Health Services Block Grant shall not be used to supplant local, State, or other non-federal funds.
- c) Applicant agencies shall not amend an application or award notice for which the grant was approved without prior written permission from the Department.

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- d) An applicant agency shall implement the program or system within three months of the date of receipt of the signed contract. If not, the project will be terminated for cause.
- e) Each applicant agency shall retain sole responsibility for program implementation and fiscal accountability, regardless of the method of implementation.
- f) The applicant agency shall allow for on-site reviews and/or access to project systems, records and reports during regular business hours, by authorized representatives of the Department, by the U.S. Comptroller General's Office or by the Auditor General of Illinois.
- g) The Department has the right to remove and recover from the applicant agency any equipment, supplies, materials, plans and records (excluding client names as outlined in Section 960.50(c)(2) which have been purchased or developed pursuant to the project if the project is terminated.
- h) Failure by the applicant agency to comply with these requirements shall be cause for discontinuance of funds and/or termination of the grant.

## Section 960.70 Applications

## a) Eligibility

- 1) All public or private nonprofit agencies or organizations recognized by the Department as possessing a demonstrated capability of developing, administering, and directing public health programs included under the Preventive Health and Health Services Block Grant are eligible to apply for project grants.
- 2) In the case of the two categorical grant programs, Hypertension Control and Rape Crisis, applications will be awarded according to the priorities set forth in Subparts B and C.
- 3) With all remaining monies, the Department shall select such public or private nonprofit agencies or organizations in accordance with the following priority system which is based on the availability of comprehensive public health and administrative services per Region:
  - A) First consideration shall be given to (one or more) public health agencies which will directly provide comprehensive public health and administrative services
  - B) Second consideration shall be given to a unit of local government or a public or private nonprofit health or human service agency which shall



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enter into a contract with another such agency for the provision of either comprehensive public health or administrative services.

- C) Third consideration shall be given to private nonprofit health or human service agencies which will directly provide comprehensive public health and administrative services.

## b) Processing of Applications

- 1) All forms will be provided by the Department.
- 2) Applications shall be submitted no later than September 30, 1982 for federal FY83 funds and August 1 each year thereafter.
- 3) The Department shall review the applications in accordance with Section 960.70(a) and request any additional information from the applicant, as necessary, to complete or clarify the application.
- 4) Upon review of the application and recommendations from staff, the Director shall award grant funds to the approved applications in accordance with 960.70(a). The Department may award funds for amounts less than requested in the grant application contingent upon the number of applications, Federal funding levels, etc.
- 5) The Department will communicate final decisions to each applicant within 45 days of receipt of the completed application.
- 6) In the two categorical grants (Hypertension Control and Rape Crisis), priority consideration shall be given to reapplications in succeeding years based on appropriation of funds and project performance.

## c) Continuing Applications.

Continuing applications shall include progress reports and proposed revisions to the project plan or budget submitted annually with the applicant's proposal. Statements of progress shall be based upon goals, objectives and purposes set forth in the applicant's plan and shall be correlated with evaluation reports made by the Department.

## d) Revisions.

- 1) All changes in any program narrative or budget must be submitted in writing to the Department for approval prior to the implementation of such change.
- 2) Each proposal for change shall include, at a minimum, a description of the

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proposed change and a justification stating why such change is necessary. Budget revisions shall specify the number of dollars involved, the type of changes proposed, and the reasons therefor. Telephone requests for emergency changes will be considered individually based on need. All approved telephone requests shall be followed by written documentation, as set forth above, prior to reimbursement. Revisions may be required by the Department pertaining to a project's funding, duration and amount contingent upon changes in federal and/or state funding allocations to the Department.

## e) Budget

- 1) As part of the project application, all applicants shall submit a budget proposal for the project period. The budget proposal shall be submitted on forms provided by the Department and shall include all information required in the instructions for their completion. This basic format may be adapted by the individual project to meet its particular programmatic needs, but shall not alter, omit, or reduce in detail the information required in these Rules.
- 2) The budget shall be divided into major line items of expenditure. Not all line items will apply to all projects. In preparing its budget, each project should use only those line items applicable to its own operation. (Ill. Rev. Stat. 1981, ch. 127, par. 149)
- 3) Budgets for categorical grant applications (Hypertension Control and Rape Crisis) shall be further divided into detailed amounts for each item of expense allowable under the budget line items.

## Section 960.80 Termination

- a) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in these Rules.
- b) The grant contract may be terminated by the grantee upon a 30 day written notice to the Department.
- c) The Director, after notice and opportunity for hearing to the grantee, may suspend or terminate the grant in any case in which he finds that there is or has been a substantial or continued failure to comply with the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), the Preventive Health and Health Services Block Grant, state statutes, or administrative rules promulgated thereunder.
- d) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the

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grantee shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the grantee, the Director shall make a determination specifying his findings and conclusions. A copy of such determination shall be sent by registered mail, by certified mail, or served personally upon the grantee. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section 960.100.

- e) The procedure governing hearings authorized by these Rules shall be in accordance with Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- f) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.
- g) If, however, the Department finds that the public interest, including financial interest, health safety, or welfare requires emergency action, and unless the Department receives assurances adequate to the Department from the grantee that grant funds held by the grantee are secure, and if the Director incorporates a finding to that effect in the order, summary suspension of the grant may be ordered pending proceedings for termination or referral to state or federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined. In no case where summary suspension has been ordered shall reimbursement be made to the grantee for costs incurred or funds expended after the summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

## Section 960.90 Administrative Procedure Act - Application

The provisions of "The Illinois Administrative Procedure Act," (Ill. Rev. Stat. 1981, ch. 127, par. 1001 et. seq.) are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under these Rules, except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

## Section 960.100 Review under Administrative Review Law

Whenever the Department suspends or terminates a grant the grantee may have such decision judicially reviewed. The provisions of the "Administrative Review Law," (Ill. Rev. Stat. 1981, ch. 110, par.

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3-101 et. seq.) and the rules adopted pursuant thereto shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder.

## SUBPART B: HYPERTENSION CONTROL

## Section 960.210 Legislative Base - Federal and State

## a) Federal

Public Law 97-35 under the "Use of Allotments", Section 1904(a)(1)(B), provides for,

"ESTABLISHING AND MAINTAINING PREVENTIVE HEALTH SERVICE PROGRAMS FOR SCREENING FOR, THE DETECTION, DIAGNOSIS, PREVENTION, AND REFERRAL FOR TREATMENT OF, AND FOLLOW-UP ON COMPLIANCE WITH TREATMENT PRESCRIBED FOR, HYPERTENSION."

## b) State

The Department, pursuant to "The High Blood Pressure Control Act", (Ill. Rev. Stat. 1981, ch. 111 ½, par. 2601 et. seq.) has responsibility for the implementation of the High Blood Pressure Program (HBP) at the state level.

## Section 960.220 Administration

## a) General Provision

The Hypertension categorical grant program shall be administered pursuant to both Subparts A and B.

## b) Reviews - Priorities for Ranking

The following criteria will be utilized by IDPH staff in the review of applications for Block Grant Hypertension funding. Any one of a combination of the criteria could be addressed in the funding proposal.

- 1) Specific emphasis will be placed on serving persons not adequately and appropriately served by the traditional predominant health care delivery and financing system. These persons are primarily the poor and minority populations, including blacks, hispanics, orientals, and native americans residing in medically underserved areas.
- 2) A low income family is defined as being either urban or rural, with an annual income below the nonfarm income official poverty level as defined by the



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Office of Management and Budget and revised annually. An area of concentration of low income is defined as a geographic area (counties and cities or components thereof designated as medically underserved areas) in which data are available indicating that a minimum of 20% of families within this boundary have an income less than the poverty level as described above. Applicants shall be required to document the socioeconomic factors within the geographic area proposed for the project.

- 3) Priority will be given to geographical areas that have excessive mortality or morbidity rates due to cardiovascular disease or excessive number of cardiovascular accidents based on age adjusted rates.
- 4) Priority for placement of projects shall also be given to areas that demonstrate needs for health services because of service scarcity or inaccessibility.

## Section 960.230 Project Services

The State of Illinois Department of Public Health, Division of Disease Control, will consider support of high blood pressure control project proposals with comprehensive programs which include education, screening, counseling, referral, follow-up and evaluation, and which make full use of available community and institutional resources.

## Section 960.240 Program Elements - Personnel Standards

Staffing of the project shall comply with the following criteria.

- a) Each project shall have a designated project coordinator.
- b) Staffing for projects shall reflect the services to be provided and shall depend upon the project size.
- c) Project plans shall give assurance that the services will be provided or supervised by qualified personnel. Qualifications shall be determined by reference to merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the application for a grant.

## Section 960.250 Application Preparation and Development

- a) Eligibility: All public or nonprofit private agencies recognized by the Illinois Department of Public Health as possessing a demonstrated capability of directing such projects are eligible to apply for HBP Control Project Grants. The following varieties of program implementation are acceptable:

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- 1) A program implemented exclusively by the grantee agency;
- 2) A program implemented by the grantee agency in association with another community agency or agencies;
- 3) A program implemented by a community agency under contract to the grantee agency which maintains supervision and holds responsibility;
- 4) A program implemented by several agencies on a coordinated regional basis.

b) Project Narrative (title, problem, area characteristics, objectives, resources, program operation, location, procedures, organization, target groups)

- 1) Title of Project.
- 2) Problem: The health and related problems or needs to which the proposal addresses itself shall be indicated, delineating which problems the proposed project will attempt to solve.
- 3) Characteristics of the area:
  - A) Program plans shall specify the geographic areas or political jurisdictions which are in need of services.
  - B) Particular attention shall be given to areas and census tracts in cities and counties where High Blood Pressure services are inadequate due to lack of services; where many residents lack access to HBP services; and where cardiovascular disease mortality and morbidity rates are high. Particular attention also shall be given to rural areas and economically depressed areas where the needs of high risk persons are not being met.
  - C) The demographic, statistical and other descriptive data about the area to be served shall be provided as applicable.

- 4) Objectives: Clearly stated short-term (current grant year) objectives of the proposed project and a schedule of when they will be achieved shall be provided. The objectives shall be measurable and shall relate to specific aspects of the program.

## 5) Inventory of Resources:

- A) A description of the applicant agency's capability to conduct a program of the scope envisioned shall be provided, describing the

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health and social services facilities, agencies, programs, etc., in the community and the proposed relationship, if any, of these resources to the program.

B)

## Local Coordinating Council

Project agencies shall develop cooperative efforts and arrangements with other organizations through the development of a HBP Coordinating Council comprised of health providers and resident citizens. The HBP Coordinating Council may be an existing community based group. This process shall assure nonduplication of services, maximize effectiveness of resources, and assure that members of the target population have access to services.

6) Program Operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives, including

A)

Patient load: Estimates of the number of hypertensives to be served by the program.

B)

Location of Services: The locations and the types of services.

C)

Description of Services: The screening, detection, diagnosis, prevention, referral, follow-up and other services to be offered, with emphasis on those services which are not presently available to all segments of the community. Medications are ineligible for reimbursement.

D)

Comprehensiveness: Description of the comprehensive array of services necessary to assure optimal care, including provisions for the development of a monitoring plan for each client that assures effective interdisciplinary provision of services.

E)

Follow-up: Program plans outlining the specific procedures necessary to assure adequate follow-up services.

F)

Referral: Project plans which take into account the utilization of other health care resources necessary to assure continuous and complete care, including written procedures which provide standard referral procedures to be followed. Written agreements between agencies shall be developed and included.

G)

Outreach: Plans for outreach such as screening sites; health education to individuals or groups, including community organizations; and use

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of mass media.

H) Maintenance of a Patient Tracking System.

7) Organization:

A) The administrative structure and staffing pattern of the program, including organization charts, shall be provided. Job descriptions for all positions and curricula vitae for core personnel shall be maintained on file.

B) Applicants shall assure that services will be provided and supervised by qualified personnel. (See Section 960.240(d))

8) Target group and eligibility requirements: Descriptions of the target population within the service area and how the services are designed, especially for this group, shall be included.

9) Patient record system: A description of procedures to ensure that accurate and up-to-date health records will be initiated and maintained for each patient shall be included.

10) Evaluation of project activity: The methods proposed for assessing the progress of the program toward meeting its stated objectives shall be described.

11) Sub-contracts: Arrangements with other agencies who will deliver a portion of the project's services, including copies of any contracts or agreements with outside providers shall be described.

12) Supporting data and additional information: Additional relevant information to support the proposal shall be provided, including letters of agreement from all participating agencies.

## SUBPART C RAPE CRISIS

Section 960.310 Legislative Base - Federal and State

a) Federal

Public Law 97-35 under the "Use of Allotments", Section 1904(a)(1)(G), charges the State with:

"PROVIDING SERVICES TO RAPE VICTIMS AND FOR RAPE



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## PREVENTION".

## b) State

The Department, pursuant to the "Rape Victims Emergency Treatment Act", (Ill. Rev. Stat. 1981, ch. 111 ½, par. 87-1 et. seq.) is to provide reimbursement to hospitals for emergency care costs incurred by alleged rape victims who are neither eligible for medical assistance from the Department of Public Aid nor covered by health insurance.

## Section 960.320 Administration

## a) General Provision

The Rape Crisis categorical grant program shall be administered pursuant to both Subparts A and C.

## b) Reviews - Priorities for Ranking

Priorities for the placement of project applications will be based on the following criteria:

- 1) Ability to Implement the Project: This criteria includes, but is not limited to, the feasibility of the contractor's approach to the project including the work plans, schedules and techniques to be used. (See also Section 960.320(b)(3))
- 2) Nature and Type of Services to be Delivered.
- 3) Personnel: Qualification of personnel will be based on experience, and/or background in relationship to specific job descriptions. Personnel assigned to the project by the contractor must include a project administrator and a bookkeeper.
- 4) Budget Analysis: Determination of the reasonableness of line item budget and total budget as well as the relevance of all costs to program objectives.

## Section 960.330 Project Services

Rape Crisis Services and Rape Prevention - The Division of Emergency Medical Services, State of Illinois Department of Public Health, through the Preventive Health and Health Services Block Grant may allocate funds for projects providing services to victims of sexual assault and for rape prevention. The services, to be provided in at least one location in each region of the state, must include:

- a) Direct crisis intervention through a 24-hour rape crisis hotline.

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- b) Advocacy through support services to sexual assault victims by trained staff or trained volunteers during the medical examination, police investigation and/or court proceedings.

- c) Individual and/or group supportive counseling for victims and their families.

- d) Information dissemination, e.g., publicizing of hotline number.

- e) Training of professionals and paraprofessionals.

- f) Community education.

## Section 960.340 Definitions

"Advocacy" - includes support services to sexual assault victims by trained staff or trained volunteers during the medical examination, police investigation and/or court proceedings.

"Crisis intervention" - includes the availability of 24-hour access to a trained professional or paraprofessional.

"Sexual assault victim" - means any person against whom any of the following offenses has been committed as defined by the "Criminal Code of 1961" (Ill. Rev. Stat. 1981, ch. 38, par. 11-1 through 11-22).

## Section 960.350 Application Preparation and Development

## a) Eligibility

All public or nonprofit private agencies recognized by the Illinois Department of Public Health as possessing a demonstrated capability for directing such projects are eligible to apply for Rape Crisis Project Grants. The following varieties of program implementation are acceptable:

- 1) A program implemented exclusively by the grantee agency;
  - 2) A program implemented by local community agencies under contract to the grantee agency which maintains supervision and retains full responsibility therefor;
  - 3) A program implemented by several agencies on a coordinated regional or statewide basis.
- b) Project Narrative

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The narrative section of the project application or plan shall contain the following elements:

- 1) Title of project.
- 2) Problem: Providing services to rape victims and for rape prevention on a statewide basis.
- 3) Area Characteristics: Project plans shall specify the geographic areas where services will be provided.
- 4) Objectives: Clearly state short-term (current grant year) and long-term objectives of the proposed project. Criteria by which the successful achievement of each objective will be judged must be included, as well as the source of information to be used to evaluate success. All objectives shall be measurable and shall relate to specific aspects of the program.
- 5) Resources: A description of the applicant agency's capability to conduct a program of the scope envisioned must be included. It shall describe the ways in which support and cooperation will be solicited from potentially interested and/or relevant community agencies or groups in the development of this application--law enforcement, women's groups, county attorney's offices, social service departments, minorities, etc. Also, a brief statement concerning the recent experience of persons from the organization who will actively be engaged in the proposed effort shall be included. Such a statement shall emphasize recent experience directly applicable to services for sexual assault victims.
- 6) Program Operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives, including:
  - A) Location of Services: The locations and the types of services which will be provided.
  - B) Work Plan: Provide a work plan for implementing the proposed project. The work program shall:
    - i) Identify the task necessary to achieve each of the objectives;
    - ii) Provide a timetable for completion of each task;
    - iii) Identify the staff positions or consultants to be assigned to each task.

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- 7) Organization and Staff: The application must state the full name and address of the organization and, if applicable, the branch office or other subordinate element that will perform or assist in performing the work. Indicate whether the organization operates as an individual or group, profit or nonprofit. Identify the contact person submitting the proposal. Corporate entities, either proprietary or not-for-profit, shall identify the president, secretary and registered agent. Specify fully the expected responsibilities and duties of each staff person and explain how each position relates to other project staff and personnel. Provide an organization chart, job descriptions, and resumes of current staff.
- 8) Target Group: Descriptions of the target population within the service area and how the services are designed, especially for this group, shall be included.
- 9) Sub-Contracts: The Department may permit a contractor to subcontract with local agencies to carry out portions of the project. All conditions will be negotiated prior to the execution of a contract, including:
  - A) Procurement standards
  - B) Payment mechanism
  - C) Allowable costs
- 10) Evaluation of Project Activity: The contractor shall plan and implement the evaluation and research to be conducted on the programs funded, including the integration of data collection procedures into the ongoing life of the program.
- 11) Role of Volunteers: Describe the role to date, if any, of volunteers in the program, i.e., number of volunteers, tasks to be performed, training and recruitment, etc.
- 12) Policy and Procedures and Policy Board: Submit a list of all operating policies and/or procedures that have been developed. Describe the role of either a policy board or an advisory board, if any, in the operation of the program.



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1) Heading of the Part: Preventive Health and Health Services Block Grants PHHS Rules

2) Code Citation:

77 Ill. Adm. Code 960

3) Section Numbers:

960.10	New Section
960.20	New Section
960.30	New Section
960.40	New Section
960.50	New Section
960.60	New Section
960.70	New Section
960.80	New Section
960.90	New Section
960.100	New Section
960.110	New Section
960.120	New Section
960.130	New Section

Proposed Action:

4) Statutory Authority:

Implementing and authorized by Section 55 of "The Civil Administrative Code of Illinois" ((Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55]). Subpart B is also implementing and authorized by Section 4 of "The High Blood Pressure Control Act" ((Ill. Rev. Stat. 1991, ch. 111 1/2, par. 2601 et seq.) [410 ILCS 425]). Subpart C is also implementing and authorized by Section 6-1 of the "Rape Victims Emergency Treatment Act" ((Ill. Rev. Stat. 1991, ch. 111 1/2, par. 87-1 et seq.) [410 ILCS 70]).

5) A Complete Description of the Subjects and Issues Involved:

The proposed amendment replaces repealed existing rules and defines the process through which the Department awards Preventive Health and Health Services Block Grant funds to local agencies to provide preventive health services.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_\_ No X

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7) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_\_\_ No X

If "yes," please specify the date: \_\_\_\_\_

8) Does this Rulemaking Contain any Incorporations by Reference? Yes X No \_\_\_\_\_

If "yes," please specify type: 6.02(a) \_\_\_\_\_ or 6.06(b) \_\_\_\_\_

9) Are there any Other Proposed Amendments Pending on this Part? Yes \_\_\_\_\_ No X

If yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

10) Statement of Statewide Policy Objectives:

This rulemaking will not expand or create a State mandate on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to

Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

B) Type of Small Businesses Affected:

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Small businesses will not be affected by this grant program for Local Health Departments.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

None

D) Types of Professional Skills Necessary for Compliance:

None

The full text of the Proposed Rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER U: MISCELLANEOUS PROGRAMS AND SERVICES

PART 960

PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANTS PHHS RULES

SECTION

960.10	Definitions
960.20	Incorporated Materials
960.30	Purpose
960.40	Eligibility
960.50	Application Procedures
960.60	Application Review Criteria
960.70	Notification of Award of Grant Funds
960.80	Award and Use of Grant Funds
960.90	Monitoring Criteria
960.100	Contract Expiration
960.110	Termination of the Grant Agreement or Funding
960.120	Denial, Suspension or Revocation of Grant Application or Grant Agreement
960.130	Procedures for Hearings

**AUTHORITY:** Implementing and authorized by Section 55 of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1991, ch. 127, par. 55) [20 ILCS 2310/55]. Subpart B is also implementing and authorized by Section 4 of "The High Blood Pressure Control Act" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 2601) [410 ILCS 425]. Subpart C is also implementing and authorized by Section 6-1 of the "Rape Victims Emergency Treatment Act" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 87-1) [410 ILCS 70].

**SOURCE:** Emergency rule adopted and codified at 6 Ill. Reg. 10213, effective August 11, 1982, for a maximum of 150 days; adopted at 7 Ill. Reg. 684, effective January 4, 1983; Part repealed, new Part adopted at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**NOTE:** Capitalization denotes statutory language or paraphrase thereof.

Section 960.10 Definitions

"Cardiovascular Disease" means the disease of the circulatory system as coded in the International Classification of Diseases, 9th Revision Clinical Modification (ICD-9-CM).

"Cardiovascular Disease Prevention Programs" means a program that addresses at least two of the three major modifiable risk factors in heart disease and stroke—high blood



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pressure, elevated cholesterol and smoking cessation.

"Department" means the Illinois Department of Public Health.

"Director" means the Director of the Illinois Department of Public Health.

"TIN number" means the nine digit federal Taxpayer Identification Number also known as the Federal Employer Identification Number (FEIN).

"Governmental Unit Code" means the Illinois Comptroller's preassigned vendor identification number for governmental agencies and municipalities.

"Line Item Category" means the following: personal services, fringe benefits, contractual, travel, supplies, and equipment.

"Local Needs Assessment" means application of a needs assessment tool approved by the Department.

"Not-for-profit" means a corporation as described in Chapter 32, paragraph 101.80 (m) of the Illinois Revised Statutes 1991 [805 ILCS 105/101.80].

"Healthy People 2000 Priorities" means selected priority areas from Healthy People 2000, the national health objectives for the year 2000. The selected priority areas include: Tobacco; Alcohol and Other Drugs; Violent and Abusive Behavior; Unintentional Injuries; Physical Activity and Fitness; Nutrition; and Cancer (breast and cervical cancer components); and (for Cardiovascular Disease Prevention Programs only) Heart Disease and Stroke.

"Year 2000 Plan" means a document specific to the applicant's jurisdiction which, at a minimum, identifies one or more Healthy People 2000 Priorities; identifies the objectives from Healthy People 2000 that are the focus of the plan; summarizes the relevant results of a Local Needs Assessment; lists process objectives for a three-year time frame; and identifies the intervention strategies or program model which will be implemented in support of achieving the plan's objectives.

## Section 960.20 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, Section 901) (42 U.S.C. 300w-300w-8), as amended by the "Health Omnibus Programs Extension of 1988" (Public Law 100-607).

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- b) Regulations of the U.S. Department of Health and Human Services entitled "Block Grants" (45 CFR 96) (1991).

- c) International Classification of Diseases, 9th Revision Clinical Modification, (ICD-9-CM), World Health Organization, Geneva, Switzerland (1986).

- d) Healthy People 2000, National Health Promotion and Disease Prevention Objectives, U.S. Department of Health and Human Services, Public Health Service, U.S. Government Printing Office, Washington, D.C. (1990)

## Section 960.30 Purpose

The purpose of grants from the Preventive Health and Health Services Block Grant (PHHSBG) is to support local projects which target priority areas from Healthy People 2000, the nation's health objectives.

## Section 960.40 Eligibility

- a) Eligible applicants include all county, multicounty, district and municipal local health Departments which provide public health programs as defined in 77 Ill. Adm. 615.200.

- b) In addition, funds for sexual assault programs may be made available to public or not-for-profit statewide agencies or organizations capable of providing a program of comprehensive services to prevent sexual assault and to assist victims of sexual assault.

## Section 960.50 Application Procedures

The Department shall provide written application instructions to local agencies.

- a) All applications shall include the following:

- 1) applicant's name, address and telephone number;
- 2) documentation of applicant's not-for-profit status (such as Certificate of Good Standing from the Secretary of State) for non-governmental units;
- 3) Taxpayer Identification Number (TIN) or for governmental agencies, the Governmental Unit Code assigned by the State of Illinois Office of the Comptroller;
- 4) date of submission;
- 5) signature of agency official authorized to certify the application;

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- 6) project period;
- 7) a detailed budget providing sufficient resources to carry out the project. The budget shall be by line item category and provide sufficient detail to justify the use of grant funds to support project activities. The budget shall indicate the total cost of conducting the projects; the source of other funds supporting the projects as well as the amount of support requested from the Department; and
- 8) a signed Statement of Assurances indicating compliance with applicable State and Federal requirements, such as the Fiscal Control and Internal Auditing Act, Office of Management and Budget (OMB) Circular A-128 (local governments), OMB Circular A-133 (not-for-profit organizations), bribery certification, contract debarment, unlawful discrimination, Illinois Human Rights Act, Federal Civil Rights Act, Drug Free Workplace Act, Davis-Bacon Act, conflict of interest as specified in the Illinois Purchasing Act, and protection of the confidentiality of recipients of services.

b) In addition to the items listed in subsection (a) above, all initial applications shall include the following:

- 1) Healthy People 2000 Priorities selected by the applicant;
- 2) geographic areas and target populations to be served, including estimated numbers by age range and sex, and estimates of any special population targets (consistent with Healthy People 2000) within the general target population;
- 3) target area data summary relevant to the selected priorities as documented by a Local Needs Assessment (beginning with State Fiscal Year 1995 application);
- 4) documentation of the existence of a Year 2000 Plan for the selected priorities or a description of how one will be organized;
- 5) description of the methods to be used to identify and select interventions or model programs or a description of interventions or model programs on which project implementation will be based;
- 6) a prioritized listing of project objectives for the funding period;
- 7) for each objective, a sequential listing of activities to achieve the objective and the timeline for completing each activity; and
- 8) evaluation methods to be used to measure progress in achieving objectives and a plan for monitoring the overall project including, for the selected priorities,

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any data items identified by the Center for Disease Control and Prevention for use in uniform tracking through Preventive Health and Health Services Block Grant funded agencies.

c) In addition to the items listed in subsection (a) above, continuation applications shall include the following:

- 1) a progress report which contains a description of the findings to date as specified in subsection (b)(8) above;
- 2) progress in meeting each project objective;
- 3) project objectives for the new grant year, along with activities and timelines for completion of each activity; and
- 4) any revisions in the evaluation methods or the monitoring plan along with the rationale for such revisions.

## Section 960.60 Application Review Criteria

Applications shall be subject to a non-technical and technical review.

a) Criteria for the non-technical review shall include:

- 1) adherence to format;
- 2) inclusion of all required forms; and
- 3) the inclusion of a response to each required item.

b) Criteria for the technical review shall be as follows:

- 1) the objectives are adapted from the identified priority areas in Healthy People 2000;
- 2) the results of a Local Needs Assessment supports the objectives selected by the applicant;
- 3) the activities identified by the applicant will lead to achievement of the project objectives;
- 4) the project objectives are achievable in the stated time frame;



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- 5) the evaluation methods measure progress toward achievement of the identified objectives;
- 6) the budget (Section 960.50 (a)(7)) provides sufficient resources to carry out the project; and
- 7) continuation applications have documented the status of each activity in support of the current year objectives and have provided an estimate of the extent to which each current year objective will be met.

## Section 960.70 Notification of Award of Grant Funds

- a) The Department shall be empowered to award an amount less than the amount requested in an application.
- b) The Department shall prepare grant agreements and award transmittal letters. Receipt of the transmittal letter and grant agreement for signature by the applicant shall constitute notification of award.
- c) Applicants that are not awarded grant funds shall be notified in writing by the Department.
- d) The grant agreement shall not be sold, assigned or transferred in any manner. Any actual or attempted sale, assignment or transfer shall render the grant agreement null, void and of no further effect. If the grantee for whatever reason ceases operation, the grant agreement shall be terminated. Any remaining funds may be granted to a successor agency by the Department.

## Section 960.80 Award and Use of Grant Funds

- a) Grantees shall only use Preventive Health and Health Services Block Grant funds for the direct cost of administering, operating and maintaining a project. The following direct costs are examples of those that may be incurred when specified in the grant agreement:
  - 1) personal services costs, including gross salaries and employer paid fringe benefits for full-time and part-time employees of the project;
  - 2) contractual services costs, including but not limited to, fees for consultants and specialists, exclusive of consultant services for patient care; conference registration fees, repair and maintenance of furniture and equipment; postage and postal services; subscriptions; training and education costs; software; and telecommunications costs;

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- 3) travel of personnel, consultants and specialists in carrying out authorized activities. (Travel costs are the expenses for transportation, lodging and subsistence for personnel who are on travel status on official business for the project. Out of State travel requires prior written approval of the Department.);
  - 4) supplies/commodities as required in the operation of the project which are directly related to its operation. (Supplies include, but are not limited to, office, medical and educational supplies; equipment items costing less than \$100.00 each; printing; and paper.); and
  - 5) equipment directly related to the operation of the project. (Equipment is defined as items costing over \$100.00 each, with a useful life of more than one year (the State Finance Act; Ill. Rev. Stat. 1991, ch. 127, par. 156) [30 ILCS 105/20]. Equipment costs shall include all freight and installation costs. Purchase of equipment items, other than those included in the approved budget require prior written approval from the Department.)
- b) Amounts available to grantees for Cardiovascular Disease Prevention activities will not be less than a sum based on weighted criteria that include total population; per capita income; minority population; and years of potential life lost due to causes of death related to cardiovascular disease as defined in Section 960.10.
- c) In those instances in which an applicant does not have sufficient operating funds to conduct the project, a cash advance may be requested. The request must be in writing and be signed by the applicant agency's executive officer.
- 1) The Director or designee shall determine whether a cash advance will be issued.
  - 2) The methodology for repayment or documentation of the use of advanced funds shall be included in the grant agreement.
  - d) Payments to the grantee shall be made on a reimbursement basis.
    - 1) The grantee shall use the Department's Reimbursement Certification Form or a reasonable facsimile to request reimbursement.
    - 2) The grantee shall document actual expenditures incurred for the purchase of goods and services necessary for conducting program activities.
      - A) Expenditures shall be itemized on the Reimbursement Certification Form in such a manner as to establish an audit trail for future

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verification of appropriate use of grant funds.

- B) Each item claimed on the Reimbursement Certification Form shall be based on an expenditure traceable through the grantee's internal accounting system and shall include:

- i) the check number or internal ledger transfer code;
  - ii) date of payment;
  - iii) dates goods or services were received or the period covered;
  - iv) a description of the goods or services for gross amount of the check or transfer; and
  - v) the amount claimed for reimbursement from the Department.
- 3) The grantee shall submit requests for reimbursement either monthly or quarterly throughout the period of the grant agreement. The final request for reimbursement shall be submitted within forty-five (45) calendar days after the end of the grant agreement period.

- c) Requests for budget adjustments shall be submitted to the Department in writing and shall be received by the Department no later than forty-five (45) calendar days before the end of the grant agreement period.

## Section 960.90 Monitoring Criteria

Successful grant recipients will be required to submit reports at three months into the grant agreement period, with the submission of a continuation application, and at the end of the grant agreement period.

## Section 960.100 Contract Expiration

All projects shall end on the date specified in the grant agreement and shall not be extended or renewed. A continuation application as provided for in Section 960.50(c) shall result in a new grant agreement with a new expiration date.

## Section 960.110 Termination of the Grant Agreement or Funding

- a) The grant agreement may be terminated by either party upon thirty (30) calendar days written notice to the other party as specified in the grant agreement.
- b) The grant agreement may be terminated immediately without penalty of further

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payment being required if the Illinois General Assembly or federal funding source fails to appropriate or otherwise make available sufficient funds for the award.

- c) The Department shall be empowered to suspend funding or terminate the contract of a Grantee who has substantially failed to comply with this Part and the terms and conditions of the grant agreement.

## Section 960.120 Denial, Suspension or Revocation of Grant Application or Grant Agreement

- a) The Director, after notice and opportunity for hearing, may deny the application for grant funds or suspend or revoke the grant agreement of any grantee in any case in which the Director finds substantial or continued failure to comply with this Part. If, however, the Director finds that the public interest, health, safety, or welfare requires emergency action and if the Director incorporates a finding to that effect in the order, summary suspension of a grant agreement may be ordered pending proceedings for revocation. Such proceedings shall be promptly instituted and promptly determined.

- b) Such notice shall be made by certified mail or by personal service and shall set forth the particular reasons for the proposed action and provide the grantee with an opportunity to request a hearing. If a written hearing request is not received with 10 days of receipt of the notice by the grantee, the right to a hearing is waived.

## Section 960.130 Procedures for Hearings

The Rules of Practice and Procedure in Administrative Hearings, 77 Ill. Adm. Code 100, shall apply to all proceedings conducted under this Part, with the exception that where the terms "license" and "licensing" are used in Part 100, the definitions of those terms shall be expanded to include any grantee awarded funds pursuant to this Part and any grant agreement executed pursuant to this Part.



## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) <u>Section Numbers:</u>	<u>Proposed Action</u>
1070.40	Amendment
1070.60	Amendment
1070.80	Amendment
1070.90	Amendment
1070.100	Amendment

4) Statutory Authority: Section 7-100 et seq. of the Illinois Vehicle Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 7-100)[625 ILCS 5/7-100].

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking would eliminate discrepancies between the rules and the Illinois Vehicle Code, as well as office procedures. The changes proposed for Section 1070.40 make it clear that proof of financial responsibility is only required on judgments of \$500.00 or more, as specified in 625 ILCS 5/7-301. The word "certified" is added in order to assure the authenticity of a satisfaction of judgment. The change in Section 1070.60 is designed to conform with P.A. 86-549. In Section 1070.90 the changes are consistent with 625 ILCS 5/7-301 and office procedures.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference?  
No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217/782-5356

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12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1070  
ILLINOIS SAFETY RESPONSIBILITY LAW

## Section

1070.10 Forms of Security

1070.20 Future Proof

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release From Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for

Exclusive Operation of Commercial Vehicles

1070.90 Dormant and Dead Judgments

1070.100 Bankruptcy

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 7-100 et seq.) [625 ILCS 5/7-100 et seq.].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1070.40 Disposition of Security

a) For purposes of this Section, the following definitions shall apply:

"Affidavit of Lost Receipt" - the form utilized when the receipt is lost. It must contain the name and address of the party, the amount of security deposited, the date and location of the accident, and the receipt number and date.

"Claim" - a demand for something rightfully or allegedly due.

"Claimant" - person or persons making claim.

"Default" - failure to make a payment when due.

"Department" - Department of Driver Services within the Office of the Secretary of State.

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"Discharged in Bankruptcy" - a legal order for release from a debt or debts.

"Installment Agreement" - agreement to pay debt in payments pursuant to Section 7-208 of the Illinois Safety Responsibility Law.

"Judgment Creditor" - person who is owed money due to a court judgment in his/her favor.

"Proper Notice" - notice provided by, but not limited to any of the following: (1) Petition in Bankruptcy; (2) Notice of Meeting of Creditors; (3) Schedule A-3 of Schedule of Creditors; (4) Trustee Report of No Assets; (5) Discharge of Bankruptcy; (6) Notice of Automatic Stay; (7) Chapter 13 Wager Earner Plan.

"Release" - to give up or surrender a claim.

"Security" - deposit made to satisfy any potential judgment or judgments for money damages following an accident as provided in Section 7-201 of the Illinois Safety Responsibility Law.

b) If a person has security deposited with the Department and the Department subsequently receives proper notice that the person has filed a petition for bankruptcy, then the Department shall forward the posted security directly to the bankruptcy court for disbursement during the normal course of the bankruptcy proceedings, and so provide notification to the debtor.

c) If a person has security deposited with the Department and the claim for which the security was deposited has been discharged in bankruptcy without proper notice having been provided the Department, then upon application by the depositor, the security shall be refunded to the depositor if the Department receives any one but not limited to the following: original receipt for the security deposited, or affidavit of lost receipt on a form approved by the Department, and documentation representing that the claim for which the security was deposited has been discharged, or the bankruptcy court's order of discharge listing the discharged parties and claim.

d) A person posting a security who wishes to have the security released to a party or parties other than himself/herself shall provide to the Department a notarized letter directing payment to the claimant(s), and either the original receipt for the security deposit, an affidavit of lost receipt on a form supplied by the Department, or other acceptable documents. The person who is to receive the deposit shall send to the Department a notarized release for the amount of the deposit before payment will be made.



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- e) A security deposit shall be released by the Department after the Department receives a court order directing payment as provided in Section 7-214 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. ~~1991~~<sup>1991</sup>, ch. 95 1/2, par. 7-214)[625 ILCS 5/7-214].
- f) If a security deposit is refunded because a person enters into an installment agreement and that person later defaults, the Department shall suspend the driving privileges and/or registration of that person until he/she redeposits the original amount of security or meets the other requirements set forth in Section 7-208(c) of the Illinois Safety Responsibility Law.

g) A security deposit shall be refunded if the Department receives a notice of rescind of certification from the Illinois Department of Transportation, or an order of exoneration from the Department of Administrative Hearings.

h) A security deposit shall also be refunded if the Department receives a certified court order indicating the security deposit should be refunded because the judgment has been satisfied, the case has been dismissed, or the party posting the security is not liable.

i) A security deposit shall be refunded if no legal action has been taken within two (2) years after the date of the accident and the Department receives a notarized affidavit from the person depositing the security stating that to the best of his/her knowledge, he/she has not been or is not being sued. To verify this, the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not sued or does not respond, the Department shall close the case and refund the security deposit. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the security shall not be refunded to the depositor.

j) Upon application by a judgment creditor seeking to obtain a security deposit, the Department shall notify the party who deposited the security or his/her authorized representative of the receipt of the unsatisfied judgment and that the security deposited shall be used toward satisfying the judgment, unless thence notified within 14 days by the party who deposited the security that the judgment has otherwise been satisfied. If no adequate response is obtained from the person who has deposited security, then the Department shall release the deposit to the judgment creditor or his/her authorized representative upon receipt of a certified full or partial satisfaction of judgment.

k) If the security deposit so released pursuant to an unsatisfied judgment received by the Department only comprises a partial

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satisfaction of judgment, the remainder shall be paid by the driver or party posting the deposit or the driver shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.

l) A surety bond shall be terminated if no legal action has been taken within two (2) years after the date of an accident, if the Department receives from a person a letter for termination of a surety bond stating that to the best of his/her knowledge he/she has not been or is not being sued. To verify this the Department shall send the interested party a letter and give him/her two (2) weeks to respond. If he/she responds that he/she has not been sued or does not respond, the Department shall terminate the surety bond. If the interested party responds with a copy of the summons and complaint indicating court action has been initiated within two (2) years from the date of the accident, the surety bond shall not be terminated.

m) If a judgment creditor wishes to obtain a security deposit in the form of a surety bond to satisfy a judgment, he/she shall notify the Safety and Financial Responsibility Section of the Department. The Department shall send a letter to the party who purchased the surety bond and his/her authorized representative informing him/her that the surety bond shall be used toward satisfying the judgment if he/she does not otherwise satisfy the judgment and notify the Department within fourteen (14) days of the procedure used to satisfy the judgment. A copy of the letter shall also be sent to the judgment creditor, his/her authorized representative, and the surety company. The Department shall thereafter make a demand on the surety company for the bond and send a copy of the letter to the judgment creditor and his/her authorized representative. If the surety bond only comprises partial satisfaction of judgment, the remainder shall be paid by the driver or the person who posted the surety bond or the driver's license and/or registration shall be suspended. His/her driving privileges and/or vehicle registration shall not be restored until proof of satisfaction of judgment is submitted to the Department and future proof of financial responsibility is filed for judgments in the amount of \$500.00 or more.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1070.60 Release From Liability

a) For purposes of this Section, the following definitions shall apply:

"Covenant Not to Sue" - a common law action by one who had a right of action against another person whereby he/she agrees not

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to enforce the right of action.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Release" - legal document which represents the relinquishment or the giving up of a right or claim by a person to the person against whom it might have been demanded or enforced.

- b) A person shall be released from the requirement for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987/1991, ch. 95 1/2, par. 7-201)[625 ILCS 5/7-201] if there is satisfactory evidence filed with the Department that the person has been released from liability. Satisfactory evidence shall include the following:

- 1) A notarized release signed by the interested party or authorized representative.
- 2) A notarized release signed by the interested party's parent or legal guardian if the interested party is a minor.
- 3) A notarized release signed by the administrator or executor of the interested party's estate if the interested party is deceased and a certified court order naming the person as administrator or executor of the estate or a notarized affidavit of heirship.
- 4) A notarized covenant not to sue signed by the interested party or his/her authorized representative.

- c) A person shall also be released from the requirements for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law if there is satisfactory evidence filed with the Department that there has been a final adjudication of non-liability. Satisfactory evidence shall include a certified court order stipulating that the person otherwise required to deposit security is not liable as a result of the accident.

- d) The Department shall also accept a certified copy of a satisfaction of judgment, a judgment note, or a court order dismissing the case because all matters have been settled to release a person of the requirement for the deposit of security required by Section 7-201 of the Illinois Safety Responsibility Law. Evidence of settlement shall also be accepted by the Department in the form of a bill for repair marked paid or a canceled check(s) indicating full payment. ~~in the~~  
~~AMOUNT OFFERED!~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

- a) For purposes of this Section, the following definitions shall apply:

"Department" - Department of Driver Services within the Secretary of State's Office.

"Driver Service's Facility Representative" - employees of the Secretary of State.

"Financial Responsibility Filing" - filing with the Secretary of State in accordance with Chapter 7 of the Illinois Safety Responsibility Law of one of the following acceptable forms of security: a certified policy of insurance, cash/securities deposit, and/or a surety bond/real estate bond.

- b) If a person is involved in an accident while operating a commercial vehicle in the course of his/her employment and the employer files bankruptcy after a judgment is rendered against both the person and the employer, the person is relieved from the requirements of Chapter Seven of the Illinois Vehicle Code upon acceptable proof the person was operating such commercial vehicle in connection with his/her regular employment or occupation at the time of the accident, as amended by P.A. 86-549, §1, effective January 1, 1990.

- c) The Department shall ~~shall~~ ~~send~~ ~~the~~ ~~person~~ ~~a~~ ~~letter~~ ~~authorizing~~ him/her to submit the letter to a local driver's license facility and obtain a restricted commercial driver's license.

- d) The applicant shall submit his/her driver's license to the driver service's facility representative at the local facility if he/she has not already surrendered it to the Secretary of State.

- e) Before issuing the restricted license, the driver service's facility representative from the local driver service's facility shall call the Safety and Financial Responsibility Section of the Department to ensure that no change in the status of the applicant has occurred since he/she received the authorization letter.

- f) If the only change required in issuing the driver's license is the addition of the type of restriction, there shall be no fee charged by the Secretary of State. If renewing the driver's license at the same time, priority fees and exam shall be required pursuant to Sections 6118(a) and 6109 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 111 1/2, paras. 6118(a) and 6109).

- g) When a financial responsibility filing is received and accepted in accordance with Section 1070.80 by the Department, a letter shall be



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sent by the Safety and Financial Responsibility Section Insurrection. The petition for official license without a type of restriction.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1070.90 Dormant and Dead Judgments

(a) For purposes of this Section, the following definitions shall apply:

"Dead Judgment" - an unpaid judgment which is twenty (20) years old or more. (Ill. Rev. Stat. 19871991, ch. 110, par. 13-218.) [735 ILCS 5/13-218]

"Debtor" - one who owes a debt.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Dormant Judgment" - an unpaid judgment which is seven (7) years old or more and has not been revived by petition. (Ill. Rev. Stat. 19871991, ch. 110, par. 12-108) [735 ILCS 5/12-108].

"Judgment Creditor" - one who is owed money due to a court judgment in his/her favor and against the debtor.

"Revival of Judgment" - to render enforceable an unpaid dormant judgment by filing a petition for revival.

b) A debtor may request that a suspension on his/her driving record be cleared because the judgment forming the basis for the suspension is dormant. The following documentation shall serve as proof of dormancy:

- 1) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or
- 2) A court order or written verification on official letterhead, by a judge or clerk of the court, that seven (7) years have expired from the time the original judgment was rendered and that the judgment has not been revived by petition; or
- 3) Written verification on official letterhead, by a judge or clerk of the court, that the required documentation has been destroyed or is not otherwise available and that no records of court show that the judgment has been revived by petition or is in effect.

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c) Upon receipt of the required documentation from the debtor, the Safety and Financial Responsibility Section of the Department shall determine if the debtor has filed proof of financial responsibility insurance for three (3) accumulated years in accordance with the Illinois Safety Responsibility Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 19871991, ch. 95 1/2, ch. 7-100 et seq.) [625 ILCS 5/7-100 et seq.] If the judgment is under \$250\$500.00, proof of financial responsibility insurance is not required.

1) If proof of financial responsibility insurance has been given, the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition;

B) Proof of financial responsibility insurance has been given for three (3) accumulated years; and

C) The suspension will be cleared and made effective a date certain.

2) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney if their addresses are on file.

3) If proof of financial responsibility insurance has not been given and is required (judgment over \$250\$500.00), the Safety and Financial Responsibility Section shall notify the debtor via letter of the following:

A) Necessary documentation has been received and accepted evidencing the fact that the judgment is dormant and has not been revived by petition; and

B) Proof of financial responsibility insurance must be given and maintained for three (3) accumulated years. The suspension shall be cleared upon accepting proof of financial responsibility insurance. The suspension shall be closed when three (3) years of financial responsibility insurance have been accumulated.

4) Carbon copies of the correspondence will be sent to the debtor's attorney and the judgment creditor and his/her attorney, if their addresses are on file.

d) A dormant judgment may be revived by petition anytime prior to the expiration of the twenty (20) year limitation period. The following

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documents shall be considered adequate proof of revival by the judgment creditor:

- 1) A certified or file stamped ~~copy~~ *of* order from the court granting the petition for revival; or
  - 2) A certified or file stamped copy of a half or docket sheet maintained by the clerk of the court evidencing the fact the original judgment has been revived by petition; or
  - 3) Written verification on official letterhead by a judge or clerk of the court, that the original judgment has been revived by petition.
- e) Upon receipt of the required documentation of the judgment's revival from the judgment creditor, the Safety and Financial Responsibility Section shall notify the judgment creditor and his/her attorney and the debtor and his/her attorney that:

- 1) Proof of revival has been received and accepted in accordance with subsection (b) above by the Department; and
- 2) If the original suspension has already been cleared, a new suspension will be entered and made effective a date certain; or
- 3) If the original suspension has not been cleared, it will remain in effect.

- f) All suspensions entered because of unpaid judgments now dead will be removed and terminated, pursuant to P.A. 86-500, effective January 1, 1990, from the driver's license file and the files of the Safety and Financial Responsibility Section.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1070.100 Bankruptcy

- a) For purposes of this Section, the following definitions shall apply:

"Bankruptcy Debtor" - a debtor under any chapter of the Federal Bankruptcy Code.

"Chapter 13 Plan" - an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" - a person to whom a debt is owed by another.

"Debtor" - one who owes a debt.

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"Deletion of Suspension" - the permanent removal of the suspension from the driving record.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Discharge in Bankruptcy" - an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Notice of Automatic Stay" - any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" - a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Petition in Bankruptcy" - a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Schedule A-3" - Schedule of Liabilities.

"Termination of Suspension" - a suspension which has ended.

"Trustee Report of No Assets" - a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

- b) If a debtor's driving privileges have been or will be suspended because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1991, ch. 95 1/2, par. 7-201 et seq.) [625 ILCS 5/7-201 et seq.], proper notice to the Department shall result in termination or deletion of the suspension from the driving record. Proper notice shall consist of, but not be limited to, one of the following:

- 1) Petition in Bankruptcy
- 2) Notice of Meeting of Creditors
- 3) Schedule A-3 or Schedule of Creditors
- 4) Trustee Report of No Assets



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT(S)

- 5) Discharge in Bankruptcy
- 6) Notice of Automatic Stay
- 7) Chapter 13 Wage Earner Plan
- c) Any evidence documenting an event prior in time to actual discharge shall be used by the Department to confirm a discharge in bankruptcy has occurred.
- d) The suspension shall be terminated and the file closed as of the date the Department receives proper notice. If proper notice is received prior to the suspension date, the pending suspension will be deleted from the driving record.
- e) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.
- f) A suspension because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code which has been rescinded pursuant to this Section shall be reinstated when:

- 1) the Petition in Bankruptcy has been dismissed; or
- 2) the United States Bankruptcy Court orders the debt nondischargeable; or
- 3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended (11 U.S.C. Section 523(a) and Bankruptcy Rule 4007).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- 1) Heading of Part: Corrective Orders
- 2) Code Citation: 50 Ill. Adm. Code 1250
- 3) Section Number:

1250.10	New Section
1250.20	New Section
1250.30	New Section
1250.40	New Section
- 4) Statutory Authority: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code (215 ILCS 5/186.1 and 186.2) and authorized by Section 401 of the Illinois Insurance Code (215 ILCS 5/401).
- 5) Effective Date of Rule: FEB 01 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: FEB 01 1994
- 9) Notice of Proposal Published in Illinois Register:

April 2, 1993, 17 Ill. Reg. 3985
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
  - a) Section 1250.20 - In the introductory paragraph, on the second line the "s" in "state" has been capitalized.
  - b) Section 1250.20(f) - On the first line "whether" has been deleted. On the fourth line "cash" has been deleted. And on the fifth line, "is greater than 50% of the insurer's surplus as regards policyholders in excess of the minimum required" has been deleted.
  - c) Section 1250.20(m) - On the second line, "a" has been added between "state" and "false."
  - d) Section 1250.20(p) - On the first line the word "regard" is now "regards."

## DEPARTMENT OF INSURANCE

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- e) Section 1250.30(a)(1) - On the second line, "which" has been changed to "that." On the sixth line, "all" has been changed to "any." On the seventh line, "companies" is now "company."
- f) Section 1250.30(a)(3) - On the fourth line the second "or" has been changed to "of."
- g) Section 1250.30(a)(5) - On the fifth line, the second "or" has been changed to "of."
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Department is promulgating this rule to set forth criteria the Director will use to identify insurers in such operational or financial condition which would be hazardous to insure Illinois residents.

- 16) Information and questions regarding this adopted rule shall be directed to:

Jackie Parker  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

The full text of the Adopted Rule begins on the next page.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER q: CORRECTIVE ORDERS

PART 1250  
CORRECTIVE ORDERS

Section	Purpose
1250.10	Criteria
1250.20	Director's Authority
1250.30	Judicial Review
1250.40	

AUTHORITY: Implementing Section 186.1 and 186.2 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 798.1 and 798.2) [215 ILCS 5/186.1 and 186.2] and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 1013) [215 ILCS 5/401].

SOURCE: Adopted at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994.

Section 1250.10 Purpose

The purpose of this Part is to set forth the criteria which the Director shall use for identifying insurers in such operational or financial condition that their further transaction of insurance business would be hazardous to their policyholders, certificateholders, creditors or to the public.

Section 1250.20 Criteria

To determine whether the continued operation of any insurer transacting insurance business in this State might be deemed to be hazardous to the policyholders, certificateholders, creditors or to the public, the Director may consider:

- a) adverse findings reported in financial and market conduct examination reports;
- b) the National Association of Insurance Commissioners Insurance Regulatory Information System and its related reports, the ratios of commission expense, general insurance expense, policy benefits and/or losses incurred to written premium or any other ratios used by



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

the Department of Insurance to determine an insurer's financial condition;

- c) whether the value, liquidity, and diversity of the insurer's asset portfolio when viewed in light of current economic conditions assures the company's ability to meet its outstanding obligations as they mature;
- d) whether the insurer's reinsurance program provides adequate protection for the company's remaining surplus after taking into account the insurer's cash flow and the classes of business written;
- e) the financial condition of any assuming reinsurer and its ability to meet its obligations to the insurer;
- f) the insurer's operating loss in the last twelve month period or any shorter period of time, including but not limited to net capital gain or loss, change in non-admitted assets, and dividends paid to shareholders;
- g) whether any affiliate, subsidiary or parent of the insurer is insolvent, threatened with insolvency, or delinquent in the payment of its obligations;
- h) whether contingent liabilities, pledges or guaranties of the insurer, either individually or collectively, involve an amount that will affect the solvency of the insurer;
- i) whether any "controlling person" or other affiliate of the insurer, each as defined in Article VIII $\frac{1}{2}$  of the Illinois Insurance Code, is delinquent in the transmitting or payment of net premiums or any other payables to such insurer;
- j) the age and collectibility of its receivables;
- k) whether the management of an insurer, including officers, directors, or any other person who directly or indirectly controls the operation of such insurer, fails to possess and demonstrate the competence, fitness and reputation to serve the insurer in such position;

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

- l) whether management of an insurer has failed to respond to inquiries from the Department of Insurance concerning the condition of the insurer or has furnished false and misleading information concerning an inquiry;
- m) whether management of an insurer either has filed in any state a false or misleading sworn financial statement, has released a false or misleading financial statement to lending institutions or to the general public or, in the books of the insurer, has made a false or misleading entry, or omitted an entry of material amount;
- n) whether the insurer's premium volume has increased to the extent that it lacks financial and administrative capacity to meet its contractual or statutory obligations;
- o) whether the company has experienced cash flow and/or liquidity problems;
- p) the adequacy of the insurer's surplus as regards policyholders relative to its outstanding liabilities and its financial needs;
- q) any other relevant factors.

## Section 1250.30 Director's Authority

- a) For purposes of making a determination of an insurer's financial condition under this Part, the Director may:
  - 1) Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired or otherwise subject to a delinquency proceeding or which is a slow payor based on Schedule F or S of the Annual Financial Statements filed with the Department of Insurance by any Illinois licensed company having receivables due from that reinsurer;
  - 2) Make adjustments to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates;

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- 3) Refuse to recognize the stated value of accounts receivable if the ability to collect the receivables is speculative in view of the age of the account or the financial condition of the debtor;
  - 4) Increase the insurer's liabilities to cover any contingent liability, pledge, or guarantee not otherwise included;
  - 5) Increase the company's reserves for losses, loss adjustment expenses, or unearned premium or any other liability to reflect adjustments recommended by the Department's financial examiners or actuaries or by the person preparing the statement of actuarial opinion as required by Section 136 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 748) [215 ILCS 5/136] and the NAIC Annual Statement Instructions for Property and Casualty Insurers;
  - 6) Make any other appropriate adjustment to the company's assets and liabilities necessary to reflect the insurer's financial condition.
- b) If the Director determines that the continued operation of the insurer licensed to transact business in this State may be hazardous to its policyholders, certificateholders, creditors or to the public, the Director may issue an order requiring the insurer to:

- 1) reduce, by reinsurance, the total amount of its present and/or potential liability for policy benefits and loss claims;
- 2) reduce, suspend or limit the volume of direct and/or assumed business being accepted or renewed;
- 3) reduce general insurance and commission expenses by specified methods;
- 4) increase its capital and surplus;
- 5) suspend or limit the declaration and payment of

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- dividends to its stockholders or to its policyholders;
- 6) file a written report indicating the market value of its assets;
  - 7) limit or withdraw from certain investments or discontinue certain investment practices to the extent the Director deems necessary;
  - 8) document the adequacy of premium rates in relation to the risks insured;
  - 9) file monthly financial reports;
  - 10) suspend or limit the repurchases of any of its own outstanding shares (i.e., treasury shares);
  - 11) seek prior approval of the Director before entering into any affiliated transactions;
  - 12) provide statement of actuarial opinion prepared by an independent actuary other than that person having prepared the opinion filed by the company in conjunction with its most recent annual financial statements;
  - 13) disapprove the payment of any ordinary dividend or other distribution to shareholders;
  - 14) take any other action which the Director deems to be remedial.
- c) Any insurer subject to an order under subsection (b) above may file a written request for an administrative hearing. The administrative hearing shall be conducted pursuant to the requirements of Section 186.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, par. 798.1(5)(a) and (6)) [215 ILCS 5/186.1(5)(a) and (6)].

Section 1250.40 Judicial Review

Any order or decision of the Director shall be subject to review in accordance with Section 3-101 of the Code of Civil



## ILLINOIS REGISTER

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Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 3-101) [735 ILCS 3/101].

## ILLINOIS REGISTER

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Long-Term Care Insurance  
 2) Code Citation: 50 Ill. Adm. Code 2012

3) Section Number: Adopted Action:

2012.10	Amended
2012.20	Amended
2012.30	Amended
2012.40	Amended
2012.50	Amended
2012.55	New Section
2012.60	Amended
2012.65	New Section
2012.70	Amended
2012.80	Amended
2012.90	Amended
2012.95	New Section
2012.100	Amended
2012.110	Amended
2012.115	New Section
2012.120	Amended
2012.122	New Section
2012.124	New Section
2012.126	New Section
2012.130	Amended
2012.140	New Section
2012.150	New Section
2012.Exhibit C	Amended
2012.Exhibit D	New Section

- 4) Statutory Authority: Implementing and authorized by the Illinois Insurance Code (215 ILCS 5/351A-11).  
 5) Effective Date of Amendments: FEB 01 1994  
 6) Does this rulemaking contain an automatic repeal date? No  
 7) Does this amendment contain incorporations by reference?  
     No  
 8) Date filed in Agency's Principal Office: FEB 01 1994  
 9) Notice of Proposal Published in Illinois Register:

July 23, 1993, 17 Ill. Reg. 11279

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## NOTICE OF ADOPTED AMENDMENTS

## 10) Has JCAR issued a Statement of Objections to this rule? No

## 11) Difference(s) between proposal and final version:

- a) Acute Condition - On the first line "shall be defined as" has been deleted and "means" has been inserted in lieu thereof. Also, "that the individual is" has been deleted and "a condition that causes the individual to be" has been added in lieu thereof.
- b) Adult Day Care - On the first line, "shall be defined as" has been deleted and "means" has been added in lieu thereof.
- c) Home Health Care Services - On the second line, the word "inform" has been changed to "informed".
- d) Medicare - On the first line, "shall be defined as" has been deleted and "means" has been added in lieu thereof.
- e) Personal Care - On the third line, "including, but not limited to" has been deleted and "such as" has been added in lieu thereof.
- f) Section 2012.50(a) - On the last line, "and Section 2012.25" has been deleted.
- g) Section 2012.50(d)(10) - On the first line, "Section" has been capitalized.
- h) Section 2012.55(b) - On the fifth line, a comma has been added following the word "impairment" and "or" has been deleted on the same line. On the sixth line following "capacity", "or if the insured would otherwise qualify for benefits under the contract" has been added in lieu thereof. Finally, on the eleventh line, "on cognitive impairment or the loss of functional capacity, if any" has been deleted.
- i) Section 2012.60 - On the third line, the comma following "captioned" has been deleted.
- j) Section 2012.65(b)(1) and (2) - In the second paragraph of (b)(1), on the second line "has" has been deleted and "may have" has been added in lieu thereof. In the second paragraph of (b)(2), on the seventh line "has"

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

has been deleted and "may have" has been added in lieu thereof.

- k) Section 2012.70 - The title of this Section has been changed to match the Section index. The word "in" was stricken, but will now be retained.
- l) Section 2012.80(a)(1) - On the first line, the comma following "annually" has been deleted.
- m) Section 2012.80(a)(3) - On the last line, "of" has been changed to "or".
- n) Section 2012.90 - The proposed paragraph (a) has all been stricken and replaced with next text. What had been paragraph (b) now becomes (c), and new text replaces (b). What had been paragraph (c) is now stricken.
- o) Section 2012.95(a) - On the last line, "annual" has been deleted and "renewing" has been added in lieu thereof. Also this text has been added to the end of this subsection, "Total renewing sales means policies in-force at the end of the calendar year prior to the year of lapse."
- p) Section 2012.95(b) - The second and third sentences of this subsection have been deleted and the following text has been added in lieu thereof:  

"The reports shall include lapses and replacements that occur in the most recent calendar year ending December 31. Only insurance producers with at least ten (1) total renewing sales, or five (5) new sales in the report period shall be included in the lapse report."
- q) Section 2012.95(e) - On the second line, "state" has been capitalized.
- r) Section 2012.110(c) - "Experienced" has been changed to "Experience".
- s) Section 2012.120(a) - On the sixth to the last line "paragraph" has been changed to "subsection".

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- t) Section 2012.122(a)(6) - On the fourth line, "and" has been deleted.
- u) Section 2012.122(c)(1)(C) - "insurance" has been deleted and "department" has been capitalized.
- v) Section 2012.122(c) - On the third line, "endorsing or selling" has been deleted and "procuring" has been added in lieu thereof. On the sixth line, "shall" has been deleted and "should" has been added in lieu thereof. On the eighth line, "endorsed or sold by such associations" has been deleted. And finally, on the last line, "endorsed or" has been deleted and "by the insurer" has been added following "sold".
- w) Section 2012.122(c)(2)(A) - On the fifth line, "endorsement or" has been deleted and "the" has been added in lieu thereof.
- x) Section 2012.122(c)(4) - On the first line "selling or endorsing long-term care insurance policies or certificates" has been deleted.
- y) Section 2012.122(c)(5)(A) - On the first line, "At the time of the association's decision to endorse," has been deleted. Also, a comma has been added between the words "insurance" and "not" and also between "insurer" and "to". Finally, on the fourth to the last line, the comma between "policies" and "including" has been deleted. This becomes one paragraph now.
- z) Section 2012.122(c)(B) and (C) - Have been deleted.
- aa) Section 2012.124 - On the second line, a comma has been added following "certificate".
- bb) 2012.Exhibit C - This exhibit has been added and is amended as indicated therein.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of rulemaking: This Part regulates the sale of Long-Term Care insurance to Illinois citizens. This Part promotes the public interest by protecting applicants for Long-Term Care insurance from unfair or deceptive sales or enrollment practices by regulating Long-Term Care insurance policy practices and provisions, disclosure provisions, replacement requirement, policy filings and required outlines of coverage. The Department has initiated these amendments to make our regulation consistent with the National Association of Insurance Commissioners (NAIC) model.

16) Information and questions regarding this adopted amendment shall be directed to:

Linda Smith  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.



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TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

## PART 2012

## LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Unintentional Lapse
2012.55	Required Disclosure Provisions
2012.60	Prohibition Against Post Claims Underwriting
2012.65	Minimum Standards for Home Health and Community
2012.70	Care Benefits in Long-Term Care Insurance Policies
2012.80	Requirement to Offer Inflation Protection
2012.90	Requirements for Application Forms and Replacement Coverage
2012.95	Reporting Requirements
2012.100	Filing Requirement
2012.110	Loss Ratio
2012.115	Filing Requirements for Advertising
2012.120	Reserve Standards
2012.122	Standards for Marketing
2012.124	Appropriateness of Recommended Purchase
2012.126	Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates
2012.130	Standard Format Outline of Coverage Requirements
2012.140	Requirement to Deliver Shopper's Guide
2012.150	Penalties
2012. Exhibit A	Replacement Notice for Other Than Direct Response Solicitations
2012. Exhibit B	Replacement Notice for Direct Response Solicitations
2012. Exhibit C	Standard Format Outline of Coverage
2012. Exhibit D	Rescission Reporting Format

AUTHORITY: Implementing and authorized by the Illinois Insurance Code (Ill. Rev. Stat. 196791, ch. 73, par. 613 963A-11-et seq. as amended by P.A. 85-1172, effective August 13, 1988) [215 ILCS 5/351A-11].

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## NOTICE OF ADOPTED AMENDMENTS

SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990; amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994

## Section 2012.10 Purpose

The purpose of this regulation Part is to implement Article XIXa of the Illinois Insurance Code, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 2012.20 Applicability and Scope

Except as otherwise specifically provided, this regulation Part applies to all long-term care insurance policies delivered or issued for delivery in this State by any insurer on or after the effective date of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 2012.30 Definitions

a) "Accelerated Life Product" means a policy, contract, rider endorsement or amendment which contains benefits providing benefits payment from life or endowment or annuity benefits in advance of the time they would otherwise be payable at anytime during the insured's lifetime as an indemnity for long term care.

b) "Applicant" as defined in Section 351A-1 of the Illinois Insurance Code means:

- 1) in the case of an individual long-term care insurance policy, the person who seeks to contract for benefits;
- 2) in the case of a group long-term care insurance policy, the proposed certificate holder.

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e) "Certificate" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.

a) "Director" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-1) [215 ILCS 5/351 A-1] means the Director of Insurance.

e) "Group Long-Term Care Insurance" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-1) [215 ILCS 5/351 A-1] means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:

1) One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

2) Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:

A) Is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and

B) Has been maintained in good faith for purposes other than obtaining insurance.

3) An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations. Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been

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organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

A) the association or associations hold regular meetings not less than annually to further purposes of the members;

B) except for credit unions, the association or associations collect dues or solicit contributions from members; and

C) the members have voting privileges and representation on the governing board and committees.

4) Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.

5) A group other than as described in the subparagraphs 1), 2) and 3) of subsection e) under the definition of Group Long-Term Care Insurance, subject to a finding by the Director that:

A) The issuance of the group policy is not contrary to the best interest of the public;

B) The issuance of the group policy would result in economies of acquisition or administration; and

C) The benefits are reasonable in relation to the premiums charged.

D) The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with the requirements of Section 2012.110.



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g) "Insurer" includes insurance companies, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization.

a) "Long-Term Care Insurance" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 198791 ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual life insurance policies or riders, which provide directly or as a which supplement, long-term care insurance. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of function capacity. Such long-term care insurance may be issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization or any similar organization to the extent they are otherwise authorized to issue life or health insurance. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. Long-term care insurance may include benefits for care and treatment in accordance with the tenets and practices of any established church or religious denomination which teaches reliance on spiritual treatment through prayer for healing.

f) "Policy" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-1) [215 ILCS 5/351A-1] means any policy, contract,

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subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer, fraternal benefit society, nonprofit health hospital, or medical service corporation, prepaid health plan, health maintenance organization or any similar organization.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## Section 2012.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a long-term care policy unless the policy or subscriber contract contains definitions or terms which conform to that are not more restrictive than the requirements of this Section.

"Acute Condition" means a condition that causes the individual to be medically unstable. Such individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult Day Care" means a program for six (6) or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

a) All providers of services, including but not limited to "skilled nursing facility," "intermediate care facility," "convalescent nursing home," "aper-care facility," and "home care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

"Home Health Care Services" means medical and nonmedical services provided to ill, disabled or infirmed persons in their residences. Examples of such services may include but are not limited to homemaker services, assistance with activities of daily living and respite care services.



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a) "Medicare" shall be defined as means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then Constituted or Later Amended" 42 U.S.C.A. Section 1395 et seq., including the "Medicare Catastrophic Coverage Act of 1988."

b) "Mental or Nervous Disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.

"Personal Care" means the provision of hands-on services to assist an individual with activities of daily living, such as bathing, eating, dressing, transferring and toileting.

e) "Skilled Nursing Care," "Intermediate Care," "Personal Care," "Home Care," and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## Section 2012.50 Policy Practices and Provisions

a) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any group and individual direct response or individual long-term care insurance policy or certificate without explanatory language in accordance with the disclosure requirements of Section 2012.70 of this Part.

1) No such policy or certificate issued to an individual shall contain renewal provisions less favorable to the insured than "guaranteed renewable."

2) The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

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3) The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

b) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

1) Preexisting conditions or diseases;

2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or senile dementia;

3) Alcoholism and drug addiction;

4) Illness, treatment or medical condition arising out of:

A) war or act of war (whether declared or undeclared);

B) participation in a felony, riot or insurrection;

C) service in the armed forces or units auxiliary thereto;

D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or

E) aviation (this exclusion applies only to non-fare paying passengers).

5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member

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of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

- 6) This subsection (b) is not intended to prohibit exclusions and limitations for payment of services provided outside the United States.
- c) Extension of Benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.
- d) Continuation or Conversion
  - 1) Group long-term care insurance issued in this state on or after the effective date of this Section shall provide covered individuals with a basis for continuation or conversion of coverage.
  - 2) For the purposes of this Section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.
  - 3) For the purposes of this Section, "a basis for conversion of coverage" means a policy provision

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that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy the individual is covered, without evidence of insurability.

- 4) For the purposes of this Section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts the provision of benefits and services, or contains incentives to use certain providers and/or facilities, the Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.
- 5) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be guaranteed renewable.
- 6) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be

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calculated on the basis of the insured's age at inception of coverage under the group policy re-placed.

- 7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

- A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or
- B) The terminating coverage is replaced not later than thirty-one days after termination, by group coverage effective on the day following the termination of coverage:

- i) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and
- ii) The premium for which is calculated in a manner consistent with the requirements of subsection (d) (6) of this section.

- 8) Notwithstanding any other provision of this Section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100 percent of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

- 9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

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- 10) Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

- 11) For the purposes of this Section: a "Managed-Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

e) Discontinuance and Replacement

If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy.

- 1) Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
- 2) Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

- f) The premiums charged to an insured for long-term care insurance shall not increase due to either:

- 1) The increasing age of the insured at ages beyond sixty-five (65); or
- 2) The duration the insured has been covered under the policy.

- eg) No long-term care insurance policy shall:

- 1) be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;



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- 2) contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;
- 3) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## Section 2012.55 Unintentional Lapse

Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

## a) Notice before lapse or termination.

- 1) No individual long-term care policy or certificate shall be issued until the insurer has received from the applicant a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium; or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute acceptance of any liability on the third party for services provided to the insured. The form used for the written designation shall provide space designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long term care insurance policy for nonpayment of premium. I

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understand that notice will not be given until thirty (30) days after a premium is due and unpaid. I elect NOT to designate any person to receive such notice." The insurer shall also notify the insured of the right to change this written designation, no less often than once every two (2) years.

- 2) When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in subsection (a) (1) above need not be met until sixty (60) days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall indicate the payment plan selected by the applicant.

- 3) Lapse or termination for nonpayment of premium. No individual long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least thirty (30) days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to subsection (a) (1) above, at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice shall not be given until thirty (30) days after a premium is due and unpaid. Notice shall be deemed to have been given as of five (5) days after the date of mailing.

- b) In addition to the requirements of subsection (a) above, a long term care insurance policy or certificate shall include a provision which provides for reinstatement of coverage, in the event of lapse if the insurer is provided proof of cognitive impairment, the loss of functional capacity or if the insured would otherwise qualify for benefits under the contract. This option shall be available to the insured if requested within five (5) months after termination and shall allow for the collection of past due premium. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit

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eligibility criteria contained in the policy and certificate.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_  
FEB 01 1994)

## Section 2012.60 Required Disclosure Provisions

a) **Renewability.** Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be captioned, as a Renewal, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and of which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

b) **Riders and Endorsements.** Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

c) **Payment of Benefits.** A long-term care insurance policy or certificate which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

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d) **Preexisting Conditions:** If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Preexisting Condition Limitations." Limitations to preexisting conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code (Ill. Rev. Stat. 1979<sup>1</sup>, ch. 73, par. 963A-5, as added by P.A. 85-1172, effective August 12, 1988) [215 ILCS 5/351A-5].

e) **Other Limitations or Conditions on Eligibility for Benefits.** In addition to complying with Section 351A-6 of the Illinois Insurance Code, beginning August 30, 1990, a long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 351A-6 shall set forth a description of such limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

f) **Disclosure Requirements for Accelerated Life Products**

## 1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

- A) an explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;
- B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;



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- C) any exclusions, reductions and limitations on benefits of long-term care; and
- D) if applicable to the policy type, the summary shall also include:
- i) disclosure of the effects of exercising other rights under the policy;
  - ii) disclosure of guarantees related to long-term care costs of insurance charges; and
  - iii) current and projected maximum lifetime benefits.

## 2) Benefit Reports

Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:

- A) any long-term care benefits paid during the month;
- B) an explanation of any changes in the policy, including changes in death benefits or cash values, due to long-term care benefits being paid out; and
- C) the amount of long-term care benefits existing or remaining.

## 3) Outline of Coverage

The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care benefit is calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.

(Source: 2012.65 amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB-01-1994)

Section 2012.65 Prohibition Against Post Claims Underwriting

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- a) All applications for long-term care insurance policies or certificates except those which are guaranteed issue shall contain unambiguous questions designed to ascertain the health condition of the applicant.

1) If an application for long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed.

2) If the medications listed in such application were known by the insurer, or were included in the insurer's underwriting standards at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition.

- b) Except for policies or certificates which are guaranteed issue:

1) The following language shall be set out in bold face type on the same page as the applicant's signature block on an application for a long-term care insurance policy or certificate:

Caution: If your answers on this application are incorrect or untrue, [company] may have the right to deny benefits or rescind your policy.

2) The following language shall be set out on the long-term care insurance policy or certificate at the time of delivery:

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company may have the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises! If for any reason, any of your answers are incorrect, contact the company at this address: [insert address]



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3) Prior to issuance of a long-term care policy or certificate to an applicant age eighty (80) or older, the insurer shall obtain one of the following:

- A) A report of a physical examination;
- B) An assessment of functional capacity;
- C) An attending physician's statement; or
- D) Copies of medical records.

c) A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

d) Every insurer, as defined herein selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both State and countrywide, except those which the insured voluntarily effectuated and shall annually furnish this information to the Director of Insurance in the format prescribed in Exhibit D.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

Section 2012.70 Minimum Standards for Home Health and Community Care Benefits in Long-Term Care Insurance Policies

a) A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:

- 1) By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
- 2) By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;

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3) By limiting eligible services to services provided by registered nurses or licensed practical nurses;

4) By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;

5) By requiring that the insured/claimant have an acute condition before home health care services are covered;

6) By excluding coverage for personal care services provided by a home health aide;

7) By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;

68) By limiting benefits to services provided by Medi-care-certified agencies or providers;

9) By excluding coverage for adult day care services.

b) A long-term care insurance policy or certificate, if it provides for home health or community care services, shall provide total home health or community care coverage that is a dollar amount equivalent to at least one-half of one year's coverage available for nursing home benefits under the policy or certificate, at the time covered home health or community care services are being received. This requirement shall not apply to policies or certificates issued to residents of continuing care retirement communities.

bc) Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

Section 2012.80 Requirement to Offer Inflation Protection

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a) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder in addition to any other inflation protection the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

- 1) Increases benefit levels annually, (in a manner so that the increases are compounded annually at a rate not less than five percent (5%));
- 2) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined; ~~or~~. The amount of the additional benefit shall be no less than the difference between the existing policy benefit and that benefit compounded annually at a rate of at least five percent (5%) for the period beginning with the purchase of the existing benefit and extending until the year in which the offer is made; or

3) Covers a specified percentage of actual or reasonable charges and does not include a maximum specified indemnity amount or limit.

b) Where the policy is issued to a group, the required offer in subsection (a) above shall be made to the group policyholder; except, if the policy is issued to a discretionary group other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

c) The offer in subsection (a) above shall not be required of:

- 1) Life insurance policies or riders containing accelerated long term care benefits; nor
- 2) Expense-incurred long term care insurance policies

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d) Insurers shall include the following information in or with the outline of coverage:

- 1) A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty (20) year period.
- 2) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases. If premium increases or additional premiums will be based on the attained age of the applicant at the time of the increase, the insurer shall also disclose the magnitude of the potential premiums the applicant would need to pay at ages 75 and 85 for benefit increases.

3) An insurer may use a reasonable hypothetical or a graphic demonstration for the purposes of this disclosure.

e) Inflation protection benefit increases under a policy which contains such benefits shall continue without regard to an insured's age, claim status or claim history, or the length of time the person has been insured under the policy.

f) An offer of inflation protection which provides for automatic benefit increases shall include an offer of a premium which the insurer expects to remain constant. Such offer shall disclose in bold face type that the premium may change in the future unless the premium is guaranteed to remain constant.

g) Inflation protection as provided in subsection (a) of this section shall be included in a long term care insurance policy unless an insurer obtains a rejection of inflation protection signed by the policyholder as required hereunder. The rejection shall be considered a part of the application and shall state, "I have reviewed the outline of coverage and the graphs that compare the benefits and premiums of this policy with and without inflation protection. Specifically, I have reviewed plan(s) \_\_\_\_\_ and I reject inflation protection."



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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 2012.90 Requirements for Application Forms and Replacement Coverage

a) Question Concerning Replacement--Individual and direct response-solicited long-term care insurance application forms--shall include a question designed to elicit information as to whether the proposed insurance policy is intended to replace any other accident and sickness or long-term care insurance policy presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.

a) Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used. With regard to a replacement policy issued to a group defined by Section 2012.30 of this Part the following questions may be modified only to the extent necessary to elicit information about health or long-term care insurance policies other than the group policy being replaced; provided, however, that the certificateholder has been notified of the replacement.

1) Do you have another long-term care insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?

2) Did you have another long-term care insurance policy or certificate in force during the last twelve (12) months?

A) If so, with which company?

B) If that policy lapsed, when did it lapse?

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3) Are you covered by Medicaid?

4) Do you intend to replace any of your medical or health insurance coverage with this policy (certify)?

b) Agents shall list any other health insurance policies they have sold to the applicant.

1) List policies sold which are still in force.

2) List policies sold in the past five (5) years which are no longer in force.

b)c) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner set forth in Exhibit A.

e) Direct Response Solicitations--Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy--The required notice shall be provided in the manner set forth in Exhibit B.

(Source: FEB 0 1 1994 Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2012.95 Reporting Requirements

All insurers shall:

a) Maintain records for each insurance producer of that producer's amount of replacement sales as a percent of the producer's total annual sales and the amount of lapses of long-term care insurance policies sold by the insurance producer as a percent of the producer's total renewing sales. Total renewing sales means policies



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in-force at the end of the calendar year prior to the year of lapse.

- b) Report annually by June 30 the ten percent (10%) of its insurance producers with the greatest percentages of lapses and replacements as measured by subsection (a) above. The reports shall include lapses and replacements that occur in the most recent calendar year ending December 31. Only insurance producers with at least ten (10) total renewing sales, or five (5) new sales in the report period shall be included in the lapse report.
- c) Report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.
- d) Report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.
- e) For purposes of this Section, "policy" shall mean only long-term care insurance and "report" means on a State-wide basis.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 0 1 1994)

## Section 2012.100 Filing Requirement

Prior to an insurer offering group long-term care insurance to a resident of this State pursuant to Section 351A-2 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-2; added by P.A. 85-1172, effective August 13, 1988) [215 ILCS 5/351A-2], it shall file with the Director evidence that the group policy or certificate thereunder has been approved by a state that has adopted the National Association of Insurance Commissioners' model legislation on Long-Term Care Insurance and attendant regulations, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 (1990) (no subsequent dates or editions).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 0 1 1994)

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Section 2012.110 Loss Ratio

Benefits under group and individual direct-response and individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the lifetime anticipated loss ratio is at least sixty percent, calculated on the basis of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. In evaluating the lifetime anticipated loss ratio, consideration shall be given to the following factors:

- a) Statistical credibility of incurred claims experience based on the following factors: claim rates, variability in transaction costs, and number of lives exposed.
- b) The period for which rates are computed to provide coverage;
- c) Experienced and projected trends;
- d) Concentration of experience within early policy duration;
- e) Expected claim fluctuation;
- f) Experience refunds, adjustments or dividends;
- g) Renewability features;
- h) Interest;
- i) Experimental nature of the coverage;
- j) Product features such as long elimination periods (period between when the claim arises and insured is eligible to receive benefits), high deductibles and high maximum limits.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 0 1 1994)

## Section 2012.115 Filing Requirements for Advertising

Every insurer, as defined herein, providing long-term care insurance or benefits in this State shall comply with 50 Ill. Adm. Code 2002.180.

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(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 0 1 1994.)

## Section 2012.120 Reserve Standards

a) When long-term care benefits are provided through the acceleration of benefits under group and individual life policies or riders to such policies, active-life policy reserves for such benefits shall be determined in accordance with Section 223 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 835) [215 ILCS 5/223]. Claim reserves must also be established in the case when such policy or rider is in claim status (see 50 Ill. Adm. Code 2004.40). Reserves for policies and riders subject to this paragraph subsection should be based on the multiple decrement model utilizing all relevant decrements except for voluntary termination rates. Single decrement approximations are acceptable if the calculation produces reserves that are greater than or equal to the reserves that are produced by the multiple-decrement model reserves which differ from the reserves based on the multiple decrement approach by less than 5% for each combination of issue age and duration, or are greater than the reserves based on the multiple decrement approach, or if the reserves for this line of business are less than five percent (5%) of the statutory net worth of the company. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits. However, in no event shall the reserves for the long-term care benefit and life insurance benefit be less than the reserves for the life insurance benefit assuming no long-term care benefit. In the development and calculation of reserves for policies and riders subject to this paragraph subsection, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

- 1) Definition of insured events
- 2) Covered long term care facilities
- 3) Existence of home convalescence care coverage
- 4) Definition of facilities
- 5) Existence or absence of barriers to eligibility
- 6) Premium waiver provision

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- 7) Renewability
- 8) Ability to raise premiums
- 9) Marketing method
- 10) Underwriting procedures
- 11) Claims adjustment procedures
- 12) Waiting period
- 13) Maximum benefit
- 14) Availability of eligible facilities
- 15) Margins in claim costs
- 16) Optional nature of benefit
- 17) Delay in eligibility for benefit
- 18) Inflation protection provisions
- 19) Guaranteed insurability option

b) The valuation morbidity table shall be accompanied by a statement declaring it as appropriate as a statutory valuation table by a member of the American Academy of Actuaries.

c) When long-term care benefits are provided other than as in subsection a) above, reserves shall be determined in accordance with Section 353a of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 965a) [215 ILCS 5/353a].

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective

FEB 0 1 1994.)

## Section 2012.122 Standards for Marketing

a) Every insurer, as defined herein, marketing long-term care insurance coverage in this State, directly or through its producers, shall:

- 1) Establish marketing procedures to assure that any comparison of policies by its producers will be accurate.
- 2) Establish marketing procedures to assure that excessive insurance is not sold or issued.
- 3) Display prominently by type or stamp on the first page of the outline of coverage and policy the following: "Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of



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coverage. The buyer is advised to review carefully all policy limitations."

- 4) Inquire of a prospective applicant or enrollee for long-term care insurance whether they already have accident and sickness or long-term care insurance and the types and amounts of any such insurance.
- 5) Every insurer or entity marketing long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.
- 6) The insurer shall, at solicitation, provide written notice to the prospective policyholder and certificateholder of the Senior Health Insurance Program (SHIP) that such a program is available and the name, address and telephone number of the program.
- 7) For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms to this regulation.

b) In addition to the practices prohibited in Article XXVI, (Ill. Rev. Stat. 1991, ch. 73, par. 1028 et seq.) [215 ILCS 5/421 et seq.], the following acts and practices are prohibited:

- 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.
- 2) High pressure tactics. Employing any method of marketing having the effect of, or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.
- 3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails

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to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance producer or insurance company.

- c) With respect to the obligations set forth in this subsection, the primary responsibility of an association when procuring long-term care insurance shall be to educate its members concerning long-term care issues in general so that its members can make informed decisions. Associations should provide information regarding long-term care insurance policies or certificates to ensure that members of such associations receive a complete explanation of the features in the policies or certificates that are being sold by the insurer.

1) The insurer shall file with this Department the following material:

- A) The policy and certificate.
- B) A corresponding outline of coverage, as referenced in Section 2012.130 and Exhibit C of this Part, and
- C) All advertisements requested by the Department.

2) The association shall disclose in any long-term care insurance solicitation:

- A) The specific nature and amount of the compensation arrangements including all fees, commissions, administrative fees and other forms of financial support) that the association receives from the sale of the policy or certificate to its members, and
- B) A brief description of the process under which such policies and the insurer issuing such policies were selected.
- 3) If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose such fact to its members.



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- 4) The board of directors of associations shall review and approve such insurance policies as well as the compensation arrangements made with the insurer.
- 5) The association shall also engage the services of a person with expertise in long-term care insurance, not affiliated with the insurer, to conduct an examination of the policies including its benefits, features, and rates and update such examination thereafter in the event of a material change.
- 6) No group long-term care insurance policy or certificate may be issued to an association unless the insurer files with this Department the information required in this subsection.
- 7) The insurer shall not issue a long-term care policy or certificate to an association or continue to market such a policy or certificate unless the insurer certifies annually that the association has complied with the requirements set forth in this subsection.

(Source: ~~Added~~ at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

#### Section 2012.124 Appropriateness of Recommended Purchase

In recommending the purchase or replacement of any long-term care insurance policy or certificate, an insurance producer shall make efforts to determine the appropriateness of a recommended purchase or replacement.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

Section 2012.126 Prohibition Against Preexisting Conditions and Probationary Periods in Replacement Policies or Certificates

If a long-term care insurance policy or certificate replaces another long-term care policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions and probationary periods in the new long-term care policy for similar benefits to the extent that similar exclusions have been satisfied under the original policy.

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(Source: ~~Added~~ at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

#### Section 2012.130 Standard Format Outline of Coverage Requirements

This Section implements, interprets and makes specific the provisions of Section 351A-8 of the Illinois Insurance Code (Ill. Rev. Stat. 198791, ch. 73, par. 963A-87-as-added-by-P.A.-85-1173--effective-August-12,--1988) [215 ILCS 5/351A-8] in prescribing a standard format and the content of an outline of coverage.

- a) The outline of coverage shall be a free-standing document, using no smaller than ten point type.
- b) The outline of coverage shall contain no material not contained within the policy itself.
- c) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
- d) Use of the text and sequence of text of the standard format outline of coverage is mandatory.
- e) The standard format, including style, arrangement and overall appearance, and the content of an outline of coverage appears in Exhibit C.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

#### Section 2012.140 Requirement to Deliver Shopper's Guide

- a) A long-term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the Director shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

- 1) In the case of an insurance producer solicitations, a producer must deliver the shopper's guide prior to the presentation of an application or enrollment form.

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2) In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

b) Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under Section 2012.60(f)(1) of this Part.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## Section 2012.150 Penalties

In addition to any other penalties provided by the laws of this State any insurer and any insurance producer found to have violated any requirement of this State relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three (3) times the amount of any commissions paid for each policy involved in the violation or up to \$10,000, whichever is greater.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## Section 2012. Exhibit C Standard Format Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which group policy was issued]).

2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage

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to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!

3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

a) For long-term care health insurance policies or certificates include one of the following permissible policy renewability provisions:

1) Policies and certificates that are guaranteed renewable shall contain the following statement: RENEWABILITY: THIS POLICY [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your policy [certificate], to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

2) Policies and certificates that are noncancellable shall contain the following statement: RENEWABILITY: THIS POLICY IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company Name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company Name] may increase your premium at that time for those additional benefits.

b) For group coverage, specifically include continuation/conversion provisions applicable to the certificate and group policy:

c) Include waiver of premium provisions or state that there are no such provisions:

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d) State whether or not the company has a right to change premium, and if such right exists, include each circumstance under which premium may change.

**34. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.**

- (a) [Provide a brief description of the right to return -- "free look" provision of the policy.]
- (b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

**45. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.**

- (a) [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.
- (b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

**56. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.**

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

**67. BENEFITS PROVIDED BY THIS POLICY.**

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- (a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]
- (b) [Institutional benefits, by skill level.]
- (c) [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this Section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

**78. LIMITATIONS AND EXCLUSIONS.**

[Describe:

- (a) Preexisting conditions;
- (b) Non-eligible facilities/provider;
- (c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- (d) Exclusions/exceptions;
- (e) Limitations.]

[This Section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

**89. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:**



## DEPARTMENT OF INSURANCE

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- (a) That the benefit level will not increase over time;
- (b) Any automatic benefit adjustment provisions;
- (c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- (d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- (e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

9- TERMS-UNDER-WHICH-THE-POLICY-(OR-CERTIFICATE)-MAY-BE-CONTINUED-IN-FORCE-OR-DISCONTINUED.

- {a} Describe-the-policy-renewability-provisions;
- {b} For-group-coverage, specifically-describe-continuation/conversion-provisions-applicable-to-the-certificate-and-group-policy;
- {c} Describe-waiver-of-premium-provisions-or-state-that there-are-not-such-provisions;
- {d} {State-whether-or-not-the-company-has-a-right-to-change premium, and-if-such-a-right-exists, describe-clearly and-concise-ly-each-circumstance-under-which-premium-may change-}

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

11. PREMIUM.

- [(a) State the total annual premium for the policy;

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- (b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

- [(a) Indicate if medical underwriting is used;
  - (b) Describe other important features.]
- (Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 2012.Exhibit D Rescission Reporting Format

RESCISSION REPORTING FORMS FOR  
LONG-TERM CARE POLICIES  
FOR THE STATE OF ILLINOIS  
FOR THE REPORTING YEAR 19[ ]

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Due: March 1 annually

Instructions:

The purpose of this form is to report all rescissions of long-term care insurance policies or certificates. Those rescissions voluntarily effectuated by an insured are not required to be included in this report. Please furnish one form per rescission.

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Policy Form #	Policy Certificate #	Name of Insured	Date of Policy Issuance	Date of Claim/s Submitted	Date of Rescission

Detailed reason for rescission:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title (please type)

\_\_\_\_\_  
Date

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 0 1994)

## DEPARTMENT OF INSURANCE

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- 1) Heading of Part: Requirements
- 2) Code Citation: 50 Ill. Adm. Code 6201
- 3) Section Number: Adopted Action:  
 6201.70 Amended  
 6201.75 New Section
- 4) Statutory Authority: Implementing the Religious and Charitable Risk Pooling Trust Act (215 ILCS 150/1) and authorized by Section 20 of the Religious and Charitable Risk Pooling Trust Act (215 ILCS 150/20).
- 5) Effective Date of Amendments: FEB 0 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference?  
No
- 8) Date filed in Agency's Principal Office: FEB 0 1994
- 9) Notice of Proposal Published in Illinois Register:  
August 3, 1993, 17 Ill. Reg. 14073
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Difference(s) between proposal and final version:
  - a) Section 6201.75(a)(2)(E)(i) - On the first line "loss" has been changed to "losses". Also on the second to the last line, the first "loss" has been changed to "losses".
  - b) Section 6201.75(a)(2)(E)(ii) - On the first line, "loss" has been changed to "losses".
  - c) Section 6201.75(b) - On the eighth line "therefore" the "e" has been deleted.
  - d) Section 6201.75(b)(3) - On the second line, "(2)" has been inserted between "(a)" and "(E)". On the fourth and fifth line, "he concludes that" has been deleted. On the sixth line the first "loss" has been changed to

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"losses". And on the second to the last line, "his" has been deleted.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this amendment replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of rulemaking: These amendments set forth specific standards and procedures whereby religious and charitable risk pooling trusts may discount loss reserves.

16) Information and questions regarding this adopted amendments shall be directed to:

Bob Gossrow  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767

The full text of the Adopted Amendment begins on the next page.

## DEPARTMENT OF INSURANCE

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TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER eee: RELIGIOUS AND CHARITABLE RISK POOLING TRUSTS

PART 6201  
REQUIREMENTS

Section	Authority and Scope
6201.10	Applications for Approval
6201.20	Examinations
6201.30	Benefit Schedules
6201.40	Solicitation and Advertising
6201.50	Investments
6201.60	Financial Statements
6201.70	Loss Reserve Discounting
6201.75	Liquidation
6201.80	Amendments to the Trust Instrument
6201.90	Pooling Among Several Trusts
6201.100	Administrators
6201.110	Severability
6201.120	Effective Date
6201.130	

AUTHORITY: Implementing the Religious and Charitable Risk Pooling Trust Act (Ill. Rev. Stat. 198191, ch. 148, pars. 201 et-seq.) [215 ILCS 150/1] and authorized by Section 20 of the Religious and Charitable Risk Pooling Trust Act (Ill. Rev. Stat. 198191, ch. 148, par. 220) [215 ILCS 150/20]

SOURCE: Adopted at 2 Ill. Reg. 12, p. 77, effective March 26, 1978; codified at 7 Ill. Reg. 3018; amended at 18 Ill. Reg. , effective FEB 01 1994.

Section 6201.70 Financial Statements

a) Each trust approved pursuant to the Act shall file audited financial statements in accordance with the requirements of Section 14 of the Act containing or accompanied by the following information:

1) A balance sheet listing all assets and liabilities presented on an accrual basis which provides for an estimate of the ultimate net cost of all losses and related loss adjustment expenses incurred as of the statement date. Liabilities for such incurred losses and loss adjustment expenses shall be presented on an undiscounted basis; provided however,



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that a trust may present such reserves on a discounted basis in accordance with Section 6201.75 of this Part.

- 2) A statement of income, expenses and fund balance.
- 3) A complete and detailed listing of each investment or asset held, such listing similar to the appropriate investment schedules contained in the Convention Annual Statement of the National Association of Insurance Commissioners for insurance companies.

- 4) A statement of Changes-in-Financial-Position cash flows.

b) To-the-extent-possible-such With the exception of loss reserve discounting permitted by Section 6201.75 of this Part, the financial statements shall be prepared in accordance with accounting principles permitted or prescribed for use by property casualty insurance companies.

c) In addition, each trust shall file audited financial statements audited by an independent certified public accountant designated in the application required by Section 6201.20 of this Part. The auditing standards to be employed are those recommended by the American Institute of Certified Public Accountants. In addition to any other information the Director may from-time-to-time require to be disclosed, the audited financial report shall include the following:

- 1) Report of independent certified public accountant.
- 2) Balance sheet reporting assets, liabilities and surplus fund.
- 3) Statement of gain or loss from operations.
- 4) Statement of Changes-in-Financial-Position cash flows.
- 5) Notes to the financial statement essential for an adequate understanding of the trust and its financial statements.

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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 6201.75 Loss Reserve Discounting

- a) A trust may discount its reserves for incurred and unpaid losses and loss adjustment expenses, for the purpose of:

- 1) Reporting under Section 14 of the Act and Section 6201.70 of this Part, and
- 2) Demonstrating its net worth and adherence to reasonable standards of financial solvency, subject to all of the following conditions:

- A) The trust shall have been approved for operation under the Act for not less than two (2) full calendar years.
- B) The trust instrument shall provide that each beneficiary may be assessed for any funding deficiency relating to any period in which the beneficiary participated in the trust and that each beneficiary shall be fully liable to the trust for any such assessment; a beneficiary's obligation for any such assessment shall be enforceable regardless of whether the beneficiary is currently a beneficiary of the trust, unless the trust has expressly released the beneficiary with respect to such obligations.
- C) With respect to each reporting year, the assumed rate of return used to discount the trust's reserves for losses and loss adjustment expenses shall not exceed the greater of:
  - i) The trust's average annual portfolio rate of return over the five (5) year period (or such shorter period, in the event that the trust has not been in existence for five (5) years) ending with the last day of the then-current reporting year, less 1/2 of 1%; or
  - ii) The assumed rate of return used to discount the trust's loss reserves for federal

## DEPARTMENT OF INSURANCE

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income tax purposes, for the tax year corresponding to the then-current reporting year.

D) In conjunction with the financial statements required by Section 6201.70 of this Part, the trust shall file with the Director a statement of actuarial opinion by a qualified independent actuary, setting forth his or her opinion regarding the adequacy of the trust's reserves for losses and loss adjustment expenses, in such form and of such content as specified in the National Association of Insurance Commissioners Annual Statement Instructions: Property and Casualty. For purposes of this Section, the term "qualified independent actuary" shall mean an individual is either:

- i) A member in good standing of the Casualty Actuarial Society; or
- ii) A member in good standing of the American Academy of Actuaries who has been approved as qualified for signing casualty loss reserve opinions by the Casualty Practice Council of the American Academy of Actuaries.

E) With respect to each reporting year, the trust shall present the following information in the footnotes to the financial statements or as supplemental information to the information required by Section 6201.70 of this Part:

- 1) The ultimate, undiscounted losses and loss adjustment expenses reserves in comparison to the reported, discounted value of such reserves, with the aggregate effect of the discount reflected as a separate amount, reviewed by a qualified independent actuary. In addition, the report of the trust's certified public accountants, as contemplated in subsection 6201.70(c) of this Part, shall include a review of the calculation of the discounted losses and loss adjustment expense reserves.

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ii) An historical and projected losses and loss adjustment expense payout schedule, demonstrating the portion of incurred losses and loss adjustment expenses paid and projected to be paid in the periods following the period in which the underlying loss was incurred, reviewed by a qualified independent actuary.

iii) A schedule of portfolio investments, including scheduled maturities, and a report of the trust's aggregate portfolio rate of return for the year. If the trust's investments are managed by any third-party manager or trustee, such portfolio rate of return shall be verified by such manager or trustee.

b) A trust which does not comply with all of the conditions set forth in subsection (a), above, may discount its reserves for losses and loss adjustment expenses, but only upon receiving the express written approval of the Director with respect to each calendar year that the trust proposes to discount such reserves. Any trust desiring the Director's approval under this subsection shall submit a written request therefor, prior to September 1 of the year to which the request relates, setting forth:

- 1) The terms upon which such discounting will be based,
- 2) an estimate of the anticipated effect of such discounting, and
- 3) the trusts' commitment to provide the specific information set forth in subsection (a)(2)(E), above. The Director shall not approve any request to discount reserves under this subsection if the presentation of the trust's reserves for losses and loss adjustment expenses on a discounted basis would not accurately reflect the trust's financial condition and would be misleading to its beneficiaries or the general public. The Director shall approve or disapprove any such request within thirty (30) days of receipt thereof.

## ILLINOIS REGISTER

## DEPARTMENT OF INSURANCE

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(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
FEB 01 1994)

## ILLINOIS REGISTER

## NATURE PRESERVES COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: Management of Nature Preserves  
2) CODE CITATION: 17 Ill. Adm. Code 4000  
3) SECTION NUMBERS:

ADOPTED ACTION:

4000.110 Amendments  
4000.120 Amendments  
4000.130 Repealed, New  
4000.140 Repealed  
4000.150 Repealed, New  
4000.160 Repealed, New  
4000.165 New Section  
4000.170 Amendments  
4000.210 Amendments  
4000.220 Amendments  
4000.230 Repealed  
4000.240 Amendments  
4000.250 Amendments  
4000.260 Amendments  
4000.270 Amendments  
4000.280 New Section  
4000.310 Repealed  
4000.320 Repealed  
4000.410 New Section  
4000.415 Repealed  
4000.420 New Section  
4000.425 Repealed  
4000.430 New Section  
4000.435 Repealed  
4000.440 New Section  
4000.450 Amendments  
4000.460 Repealed  
4000.465 Amendments  
4000.470 New Section  
4000.475 Repealed  
4000.510 New Section  
4000.520 Repealed  
4000.530 Repealed  
4000.540 Amendments  
4000.550 Amendments  
4000.560 Amendments  
4000.570 Amendments  
4000.580 Amendments  
4000.610 Repealed  
4000.620 Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by the



## ILLINOIS REGISTER

## NATURE PRESERVES COMMISSION

## NOTICE OF ADOPTED AMENDMENTS

Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1991, ch. 105, pars. 701 et seq. as added by P.A. 82-445, effective September 15, 1981) [525 ILCS 30/1 et seq.] and "An Act in relation to the acquisition, control, maintenance, improvement and protection of State parks and nature preserves" (Ill. Rev. Stat. 1991 ch. 105, pars. 465 et seq.) [20 ILCS 835/1 et seq.].

- 5) EFFECTIVE DATE OF AMENDMENTS: **JAN 3 1994**
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: January, 28, 1994
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: July 30, 1993, 17 Ill. Reg. 12005
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES:  
No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:  
  1. Changed the Agency name on the heading on each page of this rulemaking to "NATURE PRESERVES COMMISSION" instead of "DEPARTMENT OF CONSERVATION".
  2. Table of Contents: Underlined Section number "4000.435".
  3. Section 4000.110: "Custodian" "Master Plan" - Changed "these rules" to "this Part". "Prescribed burning" deleted this definition.
  4. Section 4000.130, 4000.150, 4000.160: Question #3 on Notice, changed "amended" to "Repealed, New"; changed the Section source note to "Section repealed, New Section added at....".
  5. Section 4000.170: Changed "these rules" to "this Part", underlined "s" in "rights of way",
  6. Section 4000.220: In the 4th-5th line - "or management schedule" was underlined.
  7. Section 4000.250: In the 4th line - "or management schedule" was underlined.
  8. Section 4000.260(a): In the 9th line - "significant" was

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stricken through and "adverse" was underlined; underlined "pursuant to the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341 [520 ILCS 10/11]).

Subsection (b): At the end of this subsection the following language was inadvertently omitted and has been inserted "Use of paving materials, footbridges, and elevated walks is permissible when provided for in the master plan. Synthetic materials, painted or chemically treated wood, or stone or earth materials from outside the preserve may be used in trail construction only as provided in the master plan or management schedule."

8. Section 4000.415(b): used "through" instead of "-".
9. Section 4000.425(c)(1): Changed "Section 4000.425(a)" to "subsection (a) of this Section".  
 Subsection (d): Inserted "of this Section" following the reference to "subsections (a) and (e)".  
 Subsection (e) (2): Changed "Section 4000.425(a)" to "subsection (a) of this Section".  
 Subsection (f): deleted "(1)" and "(2)" from text.
10. Section 4000.435(a): blocked the indent level for this text.
11. Section 4000.465: Added a Section source note "(Source: Added at 17 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)".
12. Section 4000.500 and 4000.530: Inserted "(Source: " into the Section source note.
13. Section 4000.560: Changed "Subpart B" to "Subpart B"; inserted "of this Part" following this reference to Subpart B.
14. Section 4000.580(b): Underlined the remaining text. This language was in subsection (a) but has been stricken out.  
 In addition, typographical errors were corrected and certain grammatical changes were also made.
- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR?  
 Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT?  
 No

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14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART?  
NO

15) SUMMARY AND PURPOSE OF AMENDMENTS:

This Part is being amended to streamline master planning processes and administration of nature preserve management. The proposed amendments allow more efficient delegation of approvals to professional staff and clarifies measures that can be used to control wildfires.

16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS  
SHALL BE DIRECTED TO:  
Mary Kay Solecki  
Illinois Nature Preserves Commission  
P.O. Box 497  
Sidney, Illinois 61877

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION  
CHAPTER V: NATURE PRESERVES COMMISSION

PART 4000  
MANAGEMENT OF NATURE PRESERVES  
SUBPART A: GENERAL PROVISIONS

Section	Definitions
4000.110	Applicability of Rules
4000.120	Approval--of--Specific--Management--Activities
4000.130	Custody
4000.140	Management Guidelines (Repealed)
4000.150	Administration and Custody Master Plans
4000.160	Reports Approval of Specific Management Activities
4000.165	Reports
4000.170	Intrusions
4000.180	Emergency Situations

SUBPART B: STRUCTURES AND FACILITIES

Section	Boundary Markers and Signs
4000.210	Boundary Fences
4000.220	Location Markers (Repealed)
4000.230	Access Lanes
4000.240	Firebreaks
4000.250	Trails
4000.260	Other Structures and Improvements
4000.270	Buffer Areas
4000.280	

SUBPART C: MANAGEMENT OF ADJACENT LAND (Repealed)

Section	Buffer Areas (Repealed)
4000.310	Service Areas (Repealed)
4000.320	

SUBPART B-C: LAND MANAGEMENT PRACTICES

Section	Scenic and Landscape Management (Repealed)
4000.410	Removal or Introduction of Objects
4000.415	Elimination of Safety Hazards (Repealed)
4000.420	Management of Vegetation and Wildlife
4000.425	Removal or Introduction of Objects (Repealed)
4000.430	Fire Control
4000.435	Water Level Control
4000.440	Fire Control (Repealed)
4000.450	

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4000.460 Erosion Control  
 4000.465 Scenic and Landscape Management  
 4000.470 Management of Vegetation and Wildlife (Repealed)  
 4000.475 Elimination of Safety Hazards

## SUBPART BD: MANAGEMENT OF VISITORS AND USE

Section  
 4000.510 Use Tolerance (Repealed)  
 4000.520 Durability Classes and Allowable Use Zones (Repealed)  
 4000.530 Classes of Visitors (Repealed)  
 4000.540 Character-of-Visitor-Activity  
 4000.550 Access Control  
 4000.560 Orientation and Guidance of Visitors  
 4000.570 Permits for Research or Educational Activities  
 4000.580 Collecting on Nature Preserves

## SUBPART BE: PLANS AND RECORDS

Section  
 4000.610 Master Plans (Repealed)  
 4000.620 Record Records

AUTHORITY: Implementing and authorized by the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1991, ch. 105, pars. 701 et seq.) [525 ILCS 30].

SOURCE: Joint rule of the Department of Conservation and the Nature Preserves Commission; Management of Nature Preserves adopted and codified at 7 Ill. Reg. 8/93, effective July 15, 1993; transferred to the Nature Preserves Commission by P.A. 83-1072, effective July 1, 1984; recodified from 17 Ill. Adm. Code 4000 at 8 Ill. Reg. 14985; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART A: GENERAL PROVISIONS

## Section 4000.110 Definitions

As used in these rules, the following terms have the meanings indicated, except where the context requires otherwise:

"Act" is the Illinois Natural Areas Preservation Act (Ill. Rev. Stat. 1991, ch. 105, pars. 701 et seq.) [525 ILCS 30].

"Buffer area" is defined in the Illinois Natural Areas Preservation Act.

"Commission" is the Illinois Nature Preserves Commission.

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"Custodian" is the person or agency that is designated by the owner as being responsible for the protection and care of a nature preserve in accordance with these rules this Part and the master plan.

"Department" is the Illinois Department of Conservation.

"Instrument of dedication" is the term used in the Illinois Natural Areas Preservation Act.

"Management schedule" consists of two documents in a form prescribed by the Commission: the site management goals and the multi-year management schedule, which are both specific to a nature preserve and describe management activities to be undertaken therein.

"Master plan" is a written plan which, consistent with the Illinois Natural Areas Preservation Act, the instrument of dedication, and these rules this Part, sets forth in detail the purpose, character, resources, and history and the provisions for preservation, protection, development, management, development, and use of a specific nature preserve, describing the ownership, location, purpose, character, resources, and conditions of custody and access.

"Nature preserve" or "preserve" is defined in the Illinois Natural Areas Preservation Act.

"Preserve steward" is the individual person designated by the custodian to be in direct charge of a nature preserve.

"Rules" are Rules for Management of Nature Preserves, 17 Ill. Adm. Code 4000.

"Special Use Permit" is a form used to evaluate and approve research and other activities in nature preserves.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)

## Section 4000.120 Applicability of Rules

a) The instrument of dedication shall be the prevailing document for each nature preserve. Management of each nature preserve shall be in accordance with the rules set forth in the master plan or as approved by the Commission and Department under Section 4000.130. The provisions of the instrument of dedication for a nature preserve shall supersede subsequently adopted administrative rules, orders and rules are adopted pursuant to a statutory change requiring such modification of the rules.

b) Any deviation from the rules must be approved by the Commission, Department, owner, and other appropriate regulatory agencies. The



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reasons for the deviation shall be set forth in detail in the master plan. Approval will be granted provided the deviation is either intended to protect the natural features of the preserve or is necessary to accommodate any existing encumbrances such as utility easements. Unless otherwise specified, the use of the term "nature preserve" in these rules applies to property dedicated as a nature preserve and property dedicated as a buffer area.

c) Management, development, or uses of a specific preserve, not otherwise allowed under the rules, may be allowed as a provision of the master plan for the site, or may be approved by the Commission under Section 4000.160 of this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

#### Section 4000.130 Approval of Specific Management Activities Administration and Custody

in the absence of a master plan, specific management activities specified in Sections 4000.220, 4000.250, 4000.260, 4000.420, 4000.430, 4000.450, and 4000.470 (a) may be undertaken with the approval of the Commission and Department. To be so approved, management shall

- be compatible with the principles set forth in the rules; if not otherwise provided in the instrument of dedication, the owner of a nature preserve shall be or shall designate an individual or agency as the custodian of the nature preserve. The custodian shall administer, manage, and protect the nature preserve in accordance with the instrument of dedication, rules, and the master plan or management schedule. The Commission must be notified by the owner or custodian of any changes in ownership, conditions of custody, access or use;
- be undertaken pending formation and approval, rather than in lieu of a master plan; the custodian may assign or appoint a person or entity to participate in the administration, management, and protection of the preserve, defining their responsibilities and assuring that their activities are consistent with the instrument of dedication, rules, and the master plan or management schedule for the preserve;
- not involve use of heavy machinery; the custodian may restrict or deny access to a nature preserve. However, members and agents of the Commission or their designees may enter any nature preserve for the purposes of inspection;
- not damage endangered, threatened, or rare species or their habitats; and in case of resignation, death, disability, or failure of the custodian of a preserve not owned by the Department to administer and manage the preserve in accordance with the rules and master plan or management schedule, the Commission shall undertake or assign to another body such custodial functions as are necessary for the maintenance and protection of the preserve until the disability of the

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custodian is removed or a successor is designated.  
e) not damage or alter natural conditions except to the extent specifically allowed hereinafter.

(Source: Section repealed, new Section added at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

#### Section 4000.140 Management Guidelines (Repealed)

the rules and master plan may be clarified by interpretive management guidelines adopted by the Commission. Management guidelines may include technical procedures, detailed instructions, and other necessary information.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

#### Section 4000.150 Administration and Custody Master Plans

a) Each nature preserve shall have a custodian and a preserve steward who shall administer, manage, and protect the preserve in accordance with the rules and master plan. The master plan shall designate the form and method of administration and custody of the nature preserve. It shall identify the agency or individual that serves as custodian of the preserve and shall state whether or not the preserve steward shall devote full-time to the preserve. If not otherwise provided in the instrument of dedication or master plan, the owner of a nature preserve shall be or shall designate the custodian. The custodian shall designate the preserve steward. A master plan must be developed for each nature preserve. The master plan must address the preservation, protection, management, development, and use of the nature preserve, identify the nature preserve owner, the location and description of the nature preserve, and conditions of custody and access. The master plan must also identify the presence and location of high quality natural communities, threatened or endangered species, and other significant or notable natural features occurring on the preserve. Reserved rights, previously approved deviations from the rules approved under Section 4000.160, and other pertinent Commission resolutions should be referenced in the master plan.

b) In case of resignation, death, disability, or failure of the custodian of a preserve not owned by the Department to administer and manage the preserve in accordance with the rules and the master plan, the Department upon advice of the Commission shall undertake or assign to another body such custodial functions as are necessary for the maintenance and protection of the preserve until the disability of the custodian is removed or a successor is designated. A master plan must be compiled following a master plan handbook prescribed by the Commission or a master plan must consist of the proposal for dedication pursuant to 2 Ill. Adm. Code 2150, the instrument of dedication, and a management schedule, which cumulatively address the

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requirements of Section 4000.150(a). The management schedule must be approved by the owner of the nature preserve before being submitted to the Commission for approval. The Commission may approve the management schedule in whole or in part, with any exceptions stated in writing.

- c) ~~The custodian or preserve steward may restrict or deny access to a nature preserve. However, members and agents of the Commission and their designees and employees of the Department may enter any nature preserve for purposes of inspection. The management goals portion of the management schedule must address the following: the objective for establishing the preserve, the status of its natural features, the extent of any degradation, the amount of visitor use, any natural lands nearby, any threats to the integrity of the preserve, concluding with the overall management goals. Once the management goals portion of the management schedule has been approved it continues indefinitely unless revised, in contrast to the multi-year schedule which addresses specific management activities during a finite period of time. When the multi-year schedule approaches the end of such time period, a new schedule shall be prepared and, following the landowner's approval, shall be submitted to the Commission.~~

- d) ~~The owner and/or custodian may elect to prepare the master plan and any revisions thereto. Based upon the availability of staff and resources, the Commission may assist the owner with preparation of the master plan. If the owner and/or custodian do not elect to prepare the master plan, the Commission shall be responsible for arranging its preparation. The master plan and any revisions thereto shall take effect upon approval by the Commission and the owner.~~

(Source: Section repealed, new Section added at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994 )

## Section 4000.160 Reports Approval of Specific Management Activities

~~The custodian shall submit an annual report by February 15 and such other reports to the Commission in such form and at such time as designated by the Commission. The Commission shall furnish a copy to the Department. The annual report shall include a record of management activities, natural catastrophes, and other influences affecting natural conditions within the nature preserve. The report shall constitute a portion of the record to be kept for each nature preserve as provided in Section 4000.620. Management activities shall be prohibited under the rules or an approved master plan may be approved by the Commission upon written request of the owner. The request must outline the objective of the management activity, and identify the natural communities and any threatened or endangered species, or significant or notable natural features, that may be affected by the proposed activity. If the Commission determines that the proposed activity will enhance the natural features of the preserve, consistent with the proposal for dedication, the Commission shall approve the request. The Commission may, with reasonable notice to the custodian, withdraw approval for management activities previously granted if it~~

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is subsequently determined that the activity may have an adverse impact on the nature preserve.

(Source: Section repealed, new Section added at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994 )

## Section 4000.165 Reports

The custodian shall submit an annual report to the Commission by February 15 of each year. The report shall be in such form as specified by the Commission and will become a part of the record for each nature preserve as described in Section 4000.620. It shall include a record of natural catastrophes, visitor use, volunteer activities, any possible violations of the Act or these rules, changes in adjacent land use, and other influences affecting the natural conditions within the nature preserve.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994 )

## Section 4000.170 Intrusions

There shall be no intrusions of structures, easements, right rights of way, or land uses which do not conform with this part these rules and with the purposes and definition of a nature preserve as specified in the Illinois Natural Areas Preservation Act, except for intrusions that are allowed by the instrument of dedication or the master plan. No other intrusions shall be allowed to continue or to become established, except for preexisting rights which are not inconsistent with the Act, those specifically allowed as part of an approved master plan or management schedule, or those approved as a deviation from the rules under Section 4000.160.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994 )

## SUBPART B: STRUCTURES AND FACILITIES

## Section 4000.210 Boundary Markers and Signs

Nature preserves boundaries shall be made clearly evident by posting boundary markers at intervals of approximately 330 feet if feasible, or as otherwise provided in the master plan and, if appropriate, by fencing or other means. Boundary markers shall be provided by the Commission and the Department, conform to the style of the signs provided by the Commission and Department. Application may be made to the Commission or Department for boundary marker signs, and shall be granted by the Commission or Department, based upon the availability of resources. If appropriate, fencing or other means may also be employed to indicate the boundaries of a preserve.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## Section 4000.220 Boundary Fences

Boundary fences and barriers that are required by "An Act to revise the law in relation to fences" Section 2 of the Fence Act (Ill. Rev. Stat. 1981 1991, ch. 54, par. 2) [65 ILCS 130/2] or barriers that are needed to protect the preserve may be installed as provided in the master plan or management schedule. Generally they shall not be in a form that will create a detrimental effect on movement of wildlife, air circulation, or other natural conditions. Construction of fences higher than 4-5 feet shall be specified and justified in the master plan.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1 1994)

## Section 4000.230 Location Markers (Repealed)

As a locational aid, a preserve may be divided into plots and markers may be installed at plot corners in such manner as is designated in the master plan. Markers and plot layout shall not detract from the natural appearance of the preserve and shall be specified by the Commission and Department.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1 1994)

## Section 4000.240 Access Lanes

Vehicular access lanes shall be installed and maintained within a nature preserve only where essential for patrol, fire control, or other management or research activities and shall be in accordance with the master plan. Such lanes shall be closed to all except service vehicles. They shall provide a single track, and clearing shall not extend more than 7 feet on each side of the center of the lane. Service vehicles shall be used only on such designated access lanes except in case of emergency or as approved by the Commission.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1 1994)

## Section 4000.250 Firebreaks

Where boundary firebreaks are needed, they shall be constructed in a buffer area outside the preserve if possible. Firebreaks within a preserve shall be kept to a minimum and shall be constructed only in accordance with the master plan or management schedule. Temporary firebreaks, made by mowing, raking, or wetting, may be used in conjunction with a managed prescribed burn, pursuant to Section 4000.435.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1 1994)

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## Section 4000.260 Trails

a) ~~The trail system~~ The establishment or rehabilitation of trails in a nature preserve may be proposed in writing to the Commission with the prior approval of the landowner. Trails shall conform to the objectives of the nature preserve as stated in the master plan or management schedule. Trails shall be laid out so as to affect only part of the preserve and shall have minimal impact on natural features. Trails should have no significant adverse impact on endangered or threatened species or fragile or limited natural communities or features, pursuant to Section 11 of the Illinois Endangered Species Protection Act (Ill. Rev. Stat. 1991, ch. 8, par. 341 [520 ILCS 10/11]).

b) ~~Location and form~~ The design and routing of any trails other than natural wildlife paths shall be specified in the master plan or management schedule. Trails shall be adequate to provide for permitted use of a preserve and to prevent erosion, trampling of vegetation, and other deterioration, but otherwise shall be kept to a minimum. Use of paving materials, footbridges, and elevated walks is permissible when provided for in the master plan or management schedule. Synthetic materials, painted or chemically treated wood, or stone or earth materials from outside the preserve may be used in trail construction only as provided in the master plan or management schedule.

c) Trail construction shall not threaten the continued existence of any population of a native plant or animal species in a nature preserve. No plant species listed as endangered or threatened pursuant to Ill. Rev. Stat. 1991, ch. 8, par. 337 [520 ILCS 10/7] or designated in the master plan as a species of management concern shall be removed, damaged, or cut in trail construction or maintenance.

d) Any proposal for trail development or rehabilitation should address the suitability of the site for providing handicapped accessibility, considering factors such as the type of natural communities, soils, slope, topography, hydrology, size of the nature preserve, and any threatened and endangered species habitat. Providing access to disabled persons is encouraged; however, public access is not a requirement of nature preserve dedication and is secondary to protection of the nature preserve. Consistent with the Americans with Disabilities Act of 1990, P.L. 101-336, modifications to provide handicapped accessible trails are not required if such construction would harm the features for which the preserve was dedicated or where conditions such as steep slopes or saturated soils make it infeasible to meet regulations.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1 1994)



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## Section 4000.270 Other Structures and Improvements

- a) Necessary Within a dedicated nature preserve, necessary signs, trash receptacles, and minor structures required to house research instruments or hand tools are permitted if provided for in the master plan, management schedule, or by a permit for research activities in a Special Use Permit. All other structures and service facilities shall be located in service areas outside the preserve. Signs and structures shall be specified approved by the Commission and the owner and the Department.
- b) Within buffer areas, service areas may be established which provide access and parking, management facilities, and/or visitor facilities. Service areas must not impair the natural features of the nature preserve. Such necessary service areas should be included in the instrument of dedication, master plan or management schedule. All other structures and facilities not included in Section 4000.270(a) shall be located in buffer areas or on property outside the dedicated nature preserve.

(Source: JAN 3 1994 at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 4000.280 Buffer Areas

- a) Land may be dedicated as a buffer area if it serves one or more of the following purposes:

- 1) protects the dedicated nature preserve or registered natural area;
  - 2) provides access to the dedicated nature preserve or registered natural area;
  - 3) serves as a necessary adjunct to the dedicated nature preserve or registered natural area; or
  - 4) possesses potential for restoration of its natural features.
- b) The instrument of dedication, master plan or management schedule for a nature preserve should include provisions concerning management of the buffer area as part of the nature preserve or those uses, other than nature preservation, which do not adversely affect the preserve.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994)

## SUBPART C: MANAGEMENT OF ADJACENT LAND (Repealed)

## Section 4000.310 Buffer Areas (Repealed)

- a) The master plan for a nature preserve shall include provisions concerning any related buffer areas.
- b) A buffer area shall be managed as part of the nature preserve except as otherwise provided in the instrument of dedication or master plan.

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- c) A buffer area may be devoted to uses other than nature preservation which do not adversely affect the preserve, as provided in the master plan:

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994)

## Section 4000.320 Service Areas (Repealed)

Service areas may be established within buffer areas to provide access and parking, management facilities, and visitor facilities. Provision for necessary service areas shall be included in the master plan.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994)

## SUBPART B-C: LAND MANAGEMENT PRACTICES

## Section 4000.410 Scenic and Landscape Management (Repealed)

No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of a preserve. There shall be no cutting of grass, brush, or other vegetation; thinning of trees; removal of dead wood; opening of scenic vistas; or planting, except as provided in the master plan.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JAN 3 1994)

## Section 4000.415 Removal or Introduction of Objects

- a) Except in the circumstances described in subsection (b) and (c) below, there shall be no removal or deposit, as use of any material, product, or object from a nature preserve and there shall be no introduction of any material, product, or object to a nature preserve. Placed in scientific study, but are not limited to, grazing by domestic animals; farming; gathering of firewood or any plant material including roots and seeds; mining or quarrying; harvesting of aquatic life; furbearers, or game animals; and dumping of garbage or other materials.

- b) Removal or introduction of objects is allowed pursuant to Sections 4000.210 through 4000.280, Sections 4000.415 through 4000.416, Section 4000.417, and Section 4000.418, and as may be provided in the instrument of dedication, the master plan, management schedule, or pursuant to Section 4000.160.

c) With prior notification of the Commission:

- 1) Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;
- 2) Rubbish may be removed; and

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- 3) Structures having no utilitarian, historic, scientific, or habitat value may be demolished or removed.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

## Section 4000.420 Elimination of Safety Hazards (Repealed)

- a) Installation--of--guard--rails--fences--steps--and--other--devices necessary--for--visitor--safety--shall--be--as--provided--in--the--master--plan--Beard--trees--or--branches--that--constitute--a--safety--hazard--to--persons--on trails--or--in--other--authorized--use--areas--may--be--felled--but--shall--not--be removed--from--the--preserve--Control--of--hazardous--plants--or--animals shall--be--as--provided--in--Section--4000.476(b);
- b) Hazardous--situations--of--an--emergency--nature--are--subject--to--Section 4000.480;

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

## Section 4000.425 Management of Vegetation and Wildlife

- a) Control of plant succession
- 1) Control of plant succession by deliberate chemical or mechanical manipulation may be undertaken to preserve or restore a presettlement natural community or a threatened or endangered species.
- 2) Plant succession control measures may be undertaken as provided in the master plan or management schedule. Control measures shall be applied with caution and only to such part of the area as is necessary. Control measures shall be undertaken only with prior observation and study of the area and with scientific evidence of necessity. Control measures shall be followed by observation and reporting of results. The master plan or management schedule may allow employment of prescribed burning, mowing, grazing, cutting of shrubs and trees, girdling of trees, hand-pulling or cutting of invasive herbaceous species, application of herbicide as specified, and other management practices to alter plant succession.
- 3) Vegetation may be managed as specified in the master plan or management schedule. Allowable practices include but are not limited to the following:
- A) Plant species not native to the site or vicinity may be eliminated by cutting, girdling, grubbing, or basal or foliar application of specified herbicide;
- B) The use of prescribed burning in fire-maintained communities so long as the time of burning during the year, the frequency of burning, and the fractional amount of the area that may be burned each year has been reviewed and approved

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- by the Commission pursuant to Section 4000.435;
- C) Invading native woody species may be eliminated or controlled by cutting, girdling, grubbing, or basal application of specified herbicide.

- b) Control of noxious species
- Species of plants and animals which are noxious in fact or law (Illinois Noxious Weed Act, 8 Ill. Adm. Code 220) shall be controlled as provided in the master plan or management schedule.

- c) Control of exotic species
- 1) Control of exotic plants may be undertaken by control of plant succession or other management practices as provided in subsection (a) of this Section.

- 2) Control of exotic animals may be undertaken as provided in the master plan or management schedule.

- d) Control of natural populations

There shall be no action to increase or reduce populations of native plants or animals or to restrict movement across boundaries of a preserve, except for the purposes of controlling an animal overpopulation that is altering the natural character of the preserve, or to restore degraded natural communities as provided in subsections (a) and (e) of this Section. Any such measures to be applied must be in accordance with the master plan or management schedule.

- e) Management of endangered and threatened species and species of management concern

1) Habitat manipulations and protective measures in favor of particular species shall be undertaken only as provided in the master plan, management schedule, or as approved by the Commission after consultation with the Department and the Endangered Species Protection Board. Approval will be based upon evaluation of generally accepted management practices or upon a proposal submitted to the Commission which describes the proposed activities, species' life history and habitat requirements, and characteristics and objectives of the preserve.

2) Control of plant succession in favor of particular species shall be as provided in subsection (a) of this Section.

- f) Introduction of plants and animals
- No plants or animals or their reproductive bodies shall be brought into a nature preserve or moved from one place to another within a preserve except for the purposes of restoring degraded natural communities to the extent they are historically known or protecting or enhancing populations of endangered or threatened species. Such introduction shall be carried out as provided in the master plan, management schedule, or pursuant to Section 4000.160.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

## Section 4000.430 Removal or Introduction of Objects (Repealed)



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- a) Except as provided in the instrument of dedication or the master plan, there shall be no removal or consumptive use of any material, product or object from a nature preserve and there shall be no introduction of any material, product or object to a nature preserve. Prohibited activities include, but are not limited to, grazing by domestic animals, farming, gathering of firewood or other plant products, mining or quarrying, harvesting of fish, fur-bearing or game animals, and dumping, burying or spreading of garbage, trash or other materials.
- b) As specified in the master plan, artifacts may be removed or demolished as follows:
- 1) Old interior fences may be removed, giving consideration to leaving posts to mark boundaries between former land uses;
  - 2) Rubbish may be removed; and
  - 3) Structures having no utilitarian, historical, scientific or habitat value may be demolished or removed.
- c) Scientific specimens and materials may be collected and removed as provided in Section 4000.435.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)

## Section 4000.435 Fire Control

- a) Wildfires - All wildfires shall be brought under control as quickly as possible, extinguishing burning materials to prevent potential reignition. Any dead standing trees or fire killed trees which pose a safety hazard may be removed pursuant to Section 4000.475. After a fire within a nature preserve, there shall be no cleanup, fire hazard reduction, or replanting except with the approval of the Commission. Approval will be based upon health and safety considerations or need for restoration.

- b) Prescribed burning - Prescribed burning may be conducted with the prior approval of the landowner and as part of a master plan or management schedule. The responsible person must also obtain, in advance of conducting prescribed burning, any other required local, county, State, or Federal permits. A written plan shall be prepared for each prescribed burn on a standardized form. Burning shall not be done under conditions more hazardous than specified in the prescribed burn plan. Fire crew members shall be adequately trained and capable of fire control. Use of equipment and vehicles shall be specified in the prescribed burn plan; no equipment or vehicles that would cause damage or alteration to the natural features of the preserve shall be used.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)

## Section 4000.440 Water Level Control

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Natural water levels shall not be altered. Water levels which have been altered by man artificial means which include, but are not limited to, installation of drain tiles and creation of ditches, may be changed if identified in the master plan or management schedule as being essential for the maintenance and restoration of natural or desired conditions or to protect significant or notable features.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)

## Section 4000.450 Fire Control [Repealed]

- a) Wildfires - All wildfires shall be brought under control as quickly as possible. After a fire within a nature preserve there shall be no cleanup, fire hazard reduction or replanting except with the approval of the Commission and Department. Approval will be based upon health and safety considerations or need for restoration. Any special procedures and methods to be used for prevention and control of fire shall be included in the master plan.

- b) Prescribed burning - Prescribed burning may be undertaken as provided in the master plan. A written plan shall be prepared for each prescribed burn on a standardized form and reviewed and approved by the Commission and Department prior to the burn. Approval will be given if the prescribed burning plan is in compliance with this part. Fire shall be kept away from fences and other structures that may be damaged. Fire crew members shall be adequately trained and capable of fire control. Burning shall not be done under conditions more hazardous than specified in the prescribed burn plan. No chemicals that are known to cause damage to or alteration of natural conditions should be used. Use of equipment and vehicles shall be specified in the prescribed burn plan. No equipment or vehicles that would cause damage or alteration to the natural features of the preserve shall be used.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)

## Section 4000.460 Erosion Control

Natural erosion shall not be controlled. Erosion and soil deposition due to past or present disturbance by man of natural conditions within or outside of the preserve may be controlled in accordance with provisions of the master plan. Erosion and soil deposition due to past or present disturbance by humans of natural conditions within or outside of the preserve may be controlled in accordance with the master plan or management schedule.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, JAN 3 1994)



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## Section 4000.465 Scenic and Landscape Management

No measures shall be taken to alter natural growth or features for the purpose of enhancing the beauty, neatness, or amenities of a preserve.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 4000.470 Management of Vegetation and Wildlife (Repealed)

## a) Control of plant succession

1) Control of plant succession by deliberate manipulation may be undertaken if preservation or restoration of a particular vegetation type or preservation of an endangered species of native flora or fauna is designated in the master plan as an objective of the nature preserve.

2) Plant succession control measures may be undertaken in such manner as provided in the master plan. Control measures shall be applied with caution and only to such part of the area as is necessary. Control measures shall be undertaken only with prior observation and study of the area and with scientific evidence of necessity. Control measures shall be followed by observation and study of results. The master plan may allow employment of prescribed burning, mowing, grazing, cutting of shrubs and trees, girdling of trees, application of herbicide as specified, and other management practices to alter plant succession.

3) Vegetation may be managed as specified in the master plan within the following limitations:

- A) Plant species not native to the site or vicinity may be eliminated by cutting, girdling, grubbing, or basal or spot foliar application of specified herbicide.
- B) The time of burning during the year, the frequency of burning, and the fractional amount of the area that may be burned each year shall be specified.
- C) Invading native woody species may be eliminated or controlled by cutting, girdling, grubbing, or basal application of specified herbicide.

4) The use of herbicides shall be as specified by the Commission.

## b) Control of noxious species

1) Species of plants and animals which are noxious in fact or by law (8-311-Adm.-Code-226) shall be controlled only if and in the manner provided in the master plan.

2) Except for removal from trails, access lanes, and firebreaks in accordance with the master plan, there shall be no control of native plants which are not noxious but may otherwise appear undesirable.

3) There shall be no control of predators, rodents, insects, snakes or other animals except as provided in the master plan, even though they may appear harmful or undesirable.

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## c) Control of exotic species

1) Control of exotic plants and animals may be undertaken if and in the manner provided in the master plan. Where shall be no attempt to eradicate exotic species that have become a stable part of the biotic community unless this can be accomplished without disturbance of natural conditions.

2) Control of exotic plants may be undertaken by control of plant succession as provided in Section 4000.470(a) or by management practices allowed in Section 4000.470(a).

## d) Control of natural populations

Except as provided in paragraphs (a) and (c) of Section 4000.470 or to control an animal overpopulation that is altering the natural character of the preserve, there shall be no action to increase or reduce populations of native plants or animals or to restrict movement of wildlife across boundaries of a preserve. Any measures to be applied must be provided for in the master plan. Except as provided in the instrument of dedication or the master plan, control measures shall be undertaken only by the custodian or others as approved by the Commission and Department. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.470.

e) Management of endangered and threatened species and species of management concern:

1) Habitat manipulations and protective measures in favor of particular species shall be undertaken only as provided in the master plan or as approved by the Commission and Department and other appropriate regulatory agencies. Approval will be based upon a proposal submitted to the Commission and Department which justifies and describes the proposed activities and addresses species life history, habitat requirements of the species, characteristics and objectives of the preserve and other relevant information.

2) Control of plant succession in favor of particular species shall be as provided in Section 4000.470(a).

## f) Introduction of plants and animals

Non-plants or animals or their reproductive bodies shall be brought into a nature preserve or moved from one place to another within a preserve except as provided in the master plan or with approval of the Commission and Department and other appropriate regulatory agencies.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 4000.475 Elimination of Safety Hazards

a) Installation of guard rails, fences, steps, and other devices necessary for visitor safety shall be as provided in the master plan or management schedule. Dead trees or branches that constitute a safety hazard to persons on trails or in other authorized use areas

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may be felled and removed from trails but shall not be removed from the preserve without notification and approval of the Commission.  
b) Emergency situations are subject to Section 4000.180.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1 1994)

## SUBPART B: MANAGEMENT OF VISITORS AND USE

## Section 4000.510 Use Tolerance (Repealed)

Use-of-preserves shall be allowed only to such extent and in such manner as will not impair natural conditions. The master plan shall specify the controls and restrictions to be placed on access and use. The owner, custodian and preserve steward may further restrict access and use as necessary to protect the preserve.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1 1994)

## Section 4000.520 Durability Classes and Allowable Use Zones (Repealed)

a) DURABILITY CLASSES. The master plan shall include a durability classification for areas of the preserve to show that capability of each part of the preserve to withstand tramping and use without deterioration. Classification as high, medium or low durability shall be related to characteristics of soil and vegetation, erosion potential, moisture conditions, slope and the presence of endangered, threatened or easily disturbed species or features. Examples of low durability features may include, but are not limited to, presence of year-round, examples of high durability features would include level terrain and dry conditions nearly year-round.

b) ALLOWABLE USE ZONES. The master plan shall establish high, medium and low allowable use intensity zones for the nature preserve on the basis of the objectives of the nature preserve as outlined in the master plan, the durability classification, natural attractions and the feasibility of providing adequate visitor facilities and custodial and interpretive personnel. Development of trails and visitor facilities shall conform to the allowable use intensity zones. An example of high allowable use may be, but is not limited to, an area of high durability, presence of interpretive personnel, opportunities for educational use by groups and good available access. An example of low allowable use would be an area with poor access, low durability, natural hazards, and limited opportunities for educational use.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
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## Section 4000.530 Classes of Visitors (Repealed)

- a) Visitors to a nature preserve may be divided into 3 classes:
  - 1) casual persons who come individually or in small groups without prior arrangements;
  - 2) organized persons who come in larger groups under more definite leadership; and
  - 3) special activity persons who come to carry on research studies or creative work relating to matters within a preserve.
- b) Provision shall be made in the master plan and in custodial operations for handling each of these classes of visitors. The master plan may define and restrict each class in such manner as is appropriate and necessary for visitor control and for the protection and management of the preserve. The custodian or preserve steward may further restrict a class of visitor.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1 1994)

## Section 4000.540 Character of Visitor Activity Visitation

a) Nature preserves are open to the public unless closed by the owner. For those preserves that are open to the public, visitor use may occur to the degree that it will not impair natural conditions or threaten the natural features of the preserve. Where trails exist within a preserve, visitors are encouraged to stay on the trails. The owner may require that visitors to the preserve restrict their movement to the trails. Visitor activities shall be regulated to prevent disturbance of a preserve beyond what it can tolerate without permanent deterioration. Visitors without permits for research or educational activities shall be restricted to trails and areas open to off-trail use and may be otherwise restricted in movement persons wishing to traverse areas of a nature preserve elsewhere than on trails or other areas open closed to visitation shall may obtain permission from the preserve steward custodian or owner.

b) Public use shall be in accordance with 17 Ill. Adm. Code 1510: Regulations of Public Use of Illinois Dedicated Nature Preserves (April 24, 1981 and subsequent revisions) and additional regulations of the custodian.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1 1994)

## Section 4000.550 Access Control

- a) Ingress and egress shall be allowed only at such locations and under such conditions as may be specified in the master plan, management schedule, or the instrument of dedication.
- b) The owner and custodian and preserve steward have the authority to



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further limit access to the preserve as may be necessary for protection and proper management of the preserve.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

Section 4000.560 Orientation and Guidance of Visitors

Orientation and guidance of visitors shall be in accordance with the rules, the instrument-of-dedication, and the master plan or management schedule. Interpretive signs, structures or labels shall conform to Section 4000.270 Subpart B of this Part - Structures and Facilities.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

Section 4000.570 Permits for Research or Educational Activities

a) A person wishing to engage in research or educational activities on a nature preserve not otherwise permitted by these rules or by the instrument-of-dedication or the master plan for the preserve shall secure a permit issued by the Commission and Department. If the activities are to be carried on by a group, a permit may be issued to the group leader who shall be responsible for the actions of the group. Application may be made to the Commission or Department for permission to conduct research or educational activities in nature preserves, using a Special Use Permit. The permit forms are available upon request from the Commission or Department. Whether the proposed activities would be carried out by an individual or by an organization, a permit is issued to an individual, who is then responsible for other persons or organization members referenced in the permit. To conduct research activities on nature preserves owned by public land managing agencies, a separate permit from the landowner or custodian may be required; in such cases the applicant must first obtain an approved permit from the landowner or custodian before applying to the Commission.

b) A permit is required for educational use of a preserve only if activities are to include collecting or activities other than walking and observation. Examples of activities which require an approved permit include, but are not limited to, the following:

- 1) Removal of any substance in the nature preserve, such as plant or animal material, soil, surface water, groundwater, and archaeological artifacts, in accordance with Section 4000.580;
  - 2) Installation of monitoring equipment or other items; and
  - 3) Nature observation and hiking by groups exceeding 25 persons.
- c) A permit issued by the Commission and Department is valid only with the approval of the custodian or preserve steward and the permit holder must secure such approval before commencing permitted activities. A permit issued by the Commission and the Department is

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not valid until approved by the custodian or owner, before the permittee commences the approved activities. A permit holder shall report to the custodian or owner before initiating permitted activities and, if so requested, at the beginning and end of each visit.

d) The application for a permit shall be a form prescribed by the Commission and Department. It shall include the name, address, position, professional qualifications, and general field of interest of the applicant and a description of the proposed activities including the objectives, methods, and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made; the species or objects to be taken, number of specimens, method of taking, and disposition of specimens. Information shall be provided in accordance with Section 4000.580. The Commission and the Department shall provide permit application forms to persons requesting them. Each permittee shall, as a condition of the approved permit, submit to the Commission and Department an annual report in such form as may be prescribed by the Commission and Department in the permit. A permit expires at the end of the calendar year in which it was issued. A permit may be extended upon submission of an interim report.

e) Each permit may contain specific provisions and restrictions. A permit may be modified, suspended, or revoked by the Commission and Department for violations of conditions of the permit, this part, or based upon a determination of the Commission and Department that the activity jeopardizes the preserve. Each holder of a permit shall submit to the Commission and Department an annual report in such form as may be prescribed by the Commission and Department. A permit for an activity of no more than the calendar year expires on December 31 of that year. A permit for an activity of longer than one year may be extended annually upon submission of an annual report. The Special Use Permit shall include:

- 1) The applicant's name, address, position, professional qualifications, and general field of interest;
- 2) A description of the proposed activities, including the objective, methods and procedures to be followed, records to be kept, duration of the project, areas to be visited, frequency and length of visits, and detailed description of disturbances to be made; the species or objects to be taken, number of specimens, method of taking, and disposition of specimens;
- f) A permit holder shall report to the preserve steward before initiating permitted activities and, if so requested, at the beginning and end of each visit. Each permit may contain specific provisions and restrictions. A permit may be modified, suspended, or revoked by the Commission and Department for violation of conditions of the permit, this Section, or based upon a determination of the Commission and Department that the activity jeopardizes the preserve.



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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
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## Section 4000.580 Collecting on Nature Preserves

- a) Persons wishing to collect scientific specimens for deposition in a permanent institutional collection available to the public or for purposes of an approved research project may do so pursuant to terms of a permit as specified in Section 4000.570. A permit may restrict the collecting of certain species or specimens, and, unless specifically stated, it a permit does not allow the collecting of any species designated as endangered or threatened by the Endangered Species Protection Board or designated as of management concern in the master plan or by the Commission and Department; where shall be no collecting of material for classroom or laboratory observation and study or mass collecting by class groups; exceptions to the above may be provided in the instrument of dedication of the nature preserve or the master plan; therefore or may be provided by permit in unusual circumstances; Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.570.
- b) There shall be no collecting of material for classroom or laboratory observation nor study or mass collecting by class groups. Collection of plant or animal material for the purpose of subsequent sale is prohibited. Exceptions to the above may be provided in the instrument of dedication of the nature preserve or the master plan therefor or may be provided by permit in unusual circumstances. Any such exception shall be considered as a deviation from the rules and treated as provided in Section 4000.570.
- b)c) A person who wishes to collect for scientific purposes any of the fauna protected by the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.1 et seq.) [520 ILCS 5] or the Fish Code of 1971 (Ill. Rev. Stat. 1981 1991, ch. 56, pars., 1.1 et seq.) [515 ILCS 5] is also required to secure from the Department a scientific collecting permit pursuant to 17 Ill. Adm. Code 520. A Federal Fish and Wildlife Permit from the U.S. Fish and Wildlife Service is also required to collect migratory birds and federally endangered or threatened species.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

## SUBPART F-E: PLANS AND RECORDS

## Section 4000.610 Master Plans (Repeated)

- a) There shall be a master plan for each nature preserve. The owner, custodian, and preserve steward may elect to prepare the draft master plan and revisions thereto. The Commission and other interested persons may participate. If the owner, custodian and/or the preserve steward do not elect to prepare the draft master plan, the Commission

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shall be responsible for arranging for its preparation; the master plan and revisions thereto shall take effect upon approval by the Commission and the owner.

- b) Copies of master plans shall be made available to interested persons. An up-to-date copy of each shall be held by the custodian or preserve steward, the Commission, and the Department; these copies shall be open to public inspection at reasonable times and places.
- c) The master plan shall consist of text and maps; A standard outline specifying the form and content shall be provided by the Commission and Department; Approval will be based upon the determination by the Commission and Department that each item on the outline has been addressed.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 3 1994)

## Section 4000.620 Record Records

A record shall be kept in triplicate by the Commission for each nature preserve. One copy shall be held by the custodian or preserve steward, one by the Commission, and one by the Department. Copies may be requested and held by the Department and the custodian. These copies The records shall be open to public inspection at a reasonable times and places time and place. The record shall include the instrument of dedication, any approved master plan, or management schedule, and annual reports of the custodian as provided in Section 4000.140 4000.165 and all other pertinent documentary material, studies, reports, obsolete portions of the master plan, and descriptions of significant events. Responsibility for assembling the record shall be designated in the master plan.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
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1) Heading of the Part: Safe Operation of Nuclear Facility Boilers and Pressure Vessels

2) Code Citation: 32 Ill. Adm. Code 505

3) Section Number: Adopted Action:

505.10	New Section
505.20	New Section
505.30	New Section
505.40	New Section
505.50	New Section
505.60	New Section
505.70	New Section
505.80	New Section
505.82	New Section
505.84	New Section
505.86	New Section
505.90	New Section
505.100	New Section
505.110	New Section
505.120	New Section
505.130	New Section
505.140	New Section
505.150	New Section
505.160	New Section
505.170	New Section
505.180	New Section
505.190	New Section
505.1000	New Section
505.1100	New Section
505.1200	New Section
505.1300	New Section
505.1400	New Section
505.1500	New Section
505.1600	New Section
505.1700	New Section
505.1800	New Section
505.1900	New Section
505.2000	New Section
505.2100	New Section
505.2200	New Section
505.2300	New Section
505.2400	New Section
505.2500	New Section
505.2600	New Section
505.2700	New Section

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505.2800  
505.2900

New Section  
New Section

4) Statutory Authority: Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1991, ch. 111½, par. 4308(a)(8)) [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1991, ch. 111½, par. 3202a and 3202b) [430 ILCS 75/2a and 2b], and by Section 71(C) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63B17(C)) [20 ILCS 2005/71(C)].

5) Effective Date of Rules: February 7, 1994

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? Yes

8) Date filed in Agency's Principal Office: January 27, 1994

9) Notice of Proposal Published in the Illinois Register:

September 24, 1993 (17 Ill. Reg. 15220/15667)

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Differences between proposal and final version:

- a) In the Authority Note, on line 2, by inserting a comma between the chapter number and the word "par."; by adding "(a)(8)" after the number "4308"; on line 3, by adding "/8(a)(8)" after the number "5"; on line 4, by adding "a" after the number "3202" and inserting "and 3202b"; by inserting "/2a and 2b" after the number "75"; and on line 6, by inserting "(C)" after the number "71".
- b) In the Source Note, on line 2, by changing the word "amended" to the word "adopted".
- c) In Section 505.20:  
in subsection (a), on line 9, by changing the word "(The" to the word "(the"; and on line 14, by inserting "/2(a)" after the number "75";

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in subsection (b), on line 6, by inserting a comma after the word "Part".

d) In Section 505.30:

in the Definition of "Act", on line 1, by changing the word "The" to the word "the";

in the Definition of "ASME", on line 2, by changing ", New York" to "NY";

in the Definition of "ASME Code Case", on line 1, by deleting the word "the" after the word "by";

in the Definition of "Condemned boiler or pressure vessel", on line 3, by deleting the comma after the word "unsafe";

in the Definition of "National Board", on line 2, by changing ", Ohio" to "OH";

in the Definition of "Reportable event", on line 3, by deleting the comma after the word "event";

in the Definition of "Rerating", on line 2, by deleting the phrase "or not" after the word "whether".

e) In Section 505.40:

in subsection (a)(1), on line 1, by changing the date from "1992" to "1952"; on line 2, by changing the phrase "earlier editions and addenda" to the phrase "all addenda and editions through the ASME Boiler and Pressure Vessel code, 1992 Edition"; by adding an "AGENCY NOTE" to subsection (a)(1);

in subsection (a)(1)(B), on line 1, by deleting the semi-colon after the word "Specifications" and placing a semi-colon after the phrase "Part D - Properties";

in subsection (a)(1)(H), on line 1, by deleting the semi-colon after the word "Vessels" and placing a semi-colon after the phrase "Division 2 - Alternative Rules";

by deleting the "AGENCY NOTE" following subsection "(a)(1)(J)";

in subsection (a)(2), on line 3, by deleting the phrase "Paragraph (b)"; on line 4, by changing "1991" to "1993"; and

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in the AGENCY NOTE, by deleting the first 2 sentences;

in subsection (b), on line 2, by inserting a comma after the word "edition"; and on line 4, by deleting the comma after the word "Department";

in subsection (d), on line 2, by changing "1990" to "1974"; on line 3, by changing the phrase "with addenda" to the phrase "including all addenda and editions"; on line 4, by adding the word "the" after the word "through" and by changing the phrase "including earlier editions and addenda" with the word "addendum"; and by adding an "AGENCY NOTE" to this subsection;

in subsection (e), by deleting the third sentence;

by adding an "AGENCY NOTE" at the end of Section 505.40.

f) In Section 505.50:

in the lead in paragraph, on line 3, by inserting ", (3)" after "(2)" and by changing "(3)" to "(4)";

in subsection (a)(1), by changing the text of this subsection to read: "Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division 1 as defined in the introduction under paragraph U-1.";

in subsection (a)(2), by changing the text of this subsection to read: "Boilers and pressure vessels which have either a Limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications";

in subsection (a)(3), by changing the text of this subsection to read: "Pressure vessels that do not exceed:

A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly.

B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly.

C) A volume of 1-1/2 cubic feet and 600 psig.";

in subsection (a)(4), on line 1, by changing the phrase "Pressure vessels considered or part of water" to "water"; on line 3, by inserting the phrase "organic or inorganic" after the word "or";



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on line 4, by changing the word "including" to "e.g."; on line 6, by changing the phrase "when all of the following criteria are met" to "provided that";

in subsection (a)(4)(A), on line 1, by deleting the phrase "the water in" after the word "of"; by changing the phrase "shall not exceed 100°F" to the phrase "is maintained below 212 degrees Fahrenheit";

in subsection (a)(4)(B), on line 1, by changing the phrase "may be" to the word "is"; by changing the phrase "prior to" to the word "after"; on line 2, by deleting the phrase "nor while in such vessels and no heat may be applied to such vessels themselves either directly or indirectly"; and by inserting the word "and" after the semi-colon;

in subsection (a)(4)(C), on line 1, by changing the text of this subsection to "No heat is applied either directly or indirectly to such vessels. ";

by deleting subsections "(a)(4)(D), (a)(6), (a)(7)" and renumbering subsection "(a)(8), (9) and (10)" to "(a)(6), (7) and (8)"; in renumbered subsection (a)(6), on line 2, by inserting a comma after the word "nozzle".

g) In Section 505.60, on line 8, by deleting the comma before and after the word "thereof" and by adding an AGENCY NOTE to the end of this Section.

h) In Section 505.70:

in subsection (a), on lines 3 & 4, by changing the word "of" to the word "after";

in subsection (c), on line 4, by changing the word "of" to the word "after".

i) In Section 505.80:

in subsection (a), on lines 6 and 10, by changing the word "involves" to the word "involve";

in subsection (b), on line 6, by changing the word "of" to the word "after" and on line 9, by deleting the period after the word "Appendix";

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in subsection (c), on line 2, by changing the word "of" to the word "after" and on line 6, by inserting "a" after the word "for";

in subsection (c)(1), on line 1, by inserting a comma after the word "If";

in subsection (c)(2), on line 1, by inserting a comma after the word "If"; and on line 5, by inserting a comma after the word "revoking".

j) In Section 505.82:

in the lead in paragraph, on line 2, by inserting a comma after the word "revoke";

in subsection (a), on line 3, by inserting "a" after the word "for";

in subsection (a)(1), on line 1, by inserting a comma after the word "If";

in subsection (a)(2), on line 1, by inserting a comma after the word "If".

k) In Section 505.84:

in the lead in paragraph, on line 2, by inserting a comma after the word "revoke";

in subsection (a), on line 3, by inserting "a" after the word "for";

in subsection (a)(1), on line 1, by inserting a comma after the word "If";

in subsection (a)(2), on line 1, by inserting a comma after the word "If" and on line 5, by inserting a comma after the word "revoking".

l) In Section 505.110:

in subsection (b)(1), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994; on line 4, by changing the phrase "within 180 days of the effective date of this Part" to the phrase "on or before August 6, 1994";

in subsection (b)(2), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

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on line 4, by changing the phrase "within 90 days from the effective date of this Part" to the phrase "on or before May 8, 1994";

in subsection (b)(3), on line 1, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (c), on line 1, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (f), by adding the following to the end of this subsection: "An alternative system for the identification of boilers and pressure vessels with assigned State serial numbers shall be acceptable to the Department if the alternative system readily and unambiguously allows the Department and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant system identification drawings provided to the Department."

## m) In Section 505.130:

in subsection (e), on line 1, by changing the word "each" to the word "any"; and on line 2, by deleting the phrase "or fails" after the word "refuses";

in subsection (h), on line 1, by changing the word "The" to the phrase "Subject to the limitations of Sections 505.20(c), 505.80 and 505.86, the";

in subsection (i)(1), on line 3, by deleting the comma after the word "appliances";

## n) In Section 505.180:

in subsection (d), on line 5, by changing the word "a" to the word "an";

in subsection (e), on line 1, by deleting the comma after the word "vessels".

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## o) In Section 505.190:

in subsection (a), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994"; on line 5, by changing the phrase "within 30 days of the effective date of this Part" to the phrase "on or before March 9, 1994";

in subsection (b), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (b)(3), on line 3, by changing the word "to" to the word "for";

in subsection (c), on line 1, by changing the word "of" to the word "after";

in subsection (f), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994"; on line 3, by inserting a comma after the word "shall" and by adding the phrase "on or before March 9, 1994," after the word "shall"; and on line 4, by deleting the phrase "within 30 days of the effective date of this Part".

## p) In Section 505.1100:

in subsection (d), on line 1, by changing the phrase "as of the effective date of this Part" to the phrase "on February 7, 1994";

in subsection (d)(1), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (d)(2), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (d)(3), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994".

## q) In Section 505.1200:

in subsection (a), on line 1, by changing the phrase "as of the effective date of this Part" to the phrase "on February 7, 1994"; on line 3, by changing the phrase "one year from the effective date of this Part" to the phrase "February 7, 1995";

in subsection (b), on line 1, by changing the phrase "the effective date of this Part" to the phrase "on February 7, 1994";

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in subsection (d), on line 1, by changing the phrase "the effective date of this Part" to the phrase "on February 7, 1994"; and on line 4, by changing the phrase "the effective date of this Part" to the phrase "on February 7, 1994";

in subsection (e), on line 1, by changing the phrase "the effective date of this Part" to the phrase "on February 7, 1994".

r) In Section 505.1500:

in subsection (a), on line 5, by deleting the comma after the word "specifications";

in subsection (b), on line 5, by deleting the comma after the word "specifications".

s) In Section 505.1900(a), on line 2, by deleting the comma after the phrase "Section XI".

t) In Section 505.2000:

in the lead in paragraph, on line 7, by deleting the comma after the word "specifications";

in subsection (c)(2), on line 1, by deleting the period after the word "Vessels";

in subsection (c)(2)(A), in the fifth paragraph, on line 2, by adding "(in percents)" after the word "values".

u) In Section 505.2100:

in subsection (a), on line 1, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (b), on line 1, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

by moving the AGENCY NOTE to the end of this Section.

v) In Section 505.2200:

in the lead in paragraph, on line 9, by changing the comma to the word "and" between the section numbers "505.110" and "505.2100";

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in subsection (a)(6), on line 1, by inserting the word "subsections" after the word "in";

in subsection (c)(1), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (c)(2), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994," on line 3, by changing the word "must" to the word "shall"; and on line 4, by inserting a comma after the word "vessel";

in subsection (c)(3), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994"; and on line 5, by changing the phrase "180 days from the effective date of this Part" to the phrase "August 6, 1994";

in subsection (c)(3)(B), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994"; and on line 5, by changing the phrase "within 90 days from the effective date of this Part" to the phrase "on or before May 8, 1994";

in subsection (f)(2)(A), on line 2, by inserting "a" immediately after the word "of";

in subsection (f)(2)(C), on line 5, by changing the phrase "twenty-four (24)" to "24";

in subsection (f)(2)(D), on line 3, by deleting the comma after the word "qualifications";

in subsection (g), on line 1, by inserting a new sentence as follows: "Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times." before the word "For";

in subsection (g)(2), on line 1, by changing the phrase "At least 90 days before" to the phrase "On or before".

w) In Section 505.2500:

in the lead in paragraph, on line 7, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";



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in subsection (a), by deleting the last two sentences in this subsection;

in subsection (a)(1), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (a)(1)(A)(iii), by adding the following sentence to the end of this subsection: "This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.";

in the AGENCY NOTE, on line 3, by deleting the phrase "(i) and (ii)" after the word "subsections";

in subsection (a)(3), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (a)(3)(A)(ii), on line 3, by inserting "(a)(3)(A)" after the word "subsection"; and by changing the word "a" to the word "an";

in subsection (a)(3)(A)(iii), on line 3, by inserting "(a)(3)(A)" after the word "subsection"; and by adding the following sentence to the end of this subsection: "This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.";

in the AGENCY NOTE, on line 3, by deleting the phrase "(i) and (ii)" after the word "subsections";

in subsection (b), by deleting the last sentence in this subsection;

in subsection (b)(1), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994";

in subsection (b)(1)(A)(ii), on line 3, by inserting "(b)(1)(A)" after the word "subsection";

in subsection (b)(1)(A)(iii), on line 3, by inserting "(b)(1)(A)" after the word "subsection"; on line 4, by inserting the word "of" between the words "repair" and "these"; and by adding the following sentence to the end of this subsection: "This notification only needs to be given once for all repairs of boilers and pressure

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vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.";

in the AGENCY NOTE, on line 3, by deleting the phrase "(i) and (ii)" after the word "subsections";

in subsection (b)(1)(B), on line 2, by deleting the comma after the letters "NV";

in subsection (b)(2), on line 2, by deleting the comma after the word "part"; and on line 5, by deleting the comma after the word "reassembly".

x) In Section 505.2600:

in subsection (a), on line 2, by changing the word "of" to the word "after" after the word "days";

in subsection (b), on line 4, by deleting the comma after the word "specifications".

y) In Section 505.2700:

in subsection (b), on line 4, by deleting the comma after the word "specifications";

in subsection (c), on line 3, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994".

z) In Section 505.2800, on line 2, by inserting a comma after the word "State".

aa) In Section 505.2900:

in subsection (b), on line 3, by inserting a comma after the number "X";

in subsection (d), on line 2, by changing the phrase "the effective date of this Part" to the phrase "February 7, 1994"; on line 3, by changing the phrase "one year following the effective date of this Part" to the phrase "February 7, 1995";

in subsection (e), on line 6, by inserting a comma after the word "applicable".

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TITLE 32: ENERGY

CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY -  
SUBCHAPTER C: NUCLEAR FACILITY SAFETY

PART 505

## SAFE OPERATION OF NUCLEAR FACILITY BOILERS AND PRESSURE VESSELS

## SUBPART A: GENERAL

Section	
505.10	Scope
505.20	Policy
505.30	Definitions
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505.50	Exemptions
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505.86	Actions Pending Before the United States Nuclear Regulatory Commission
505.90	Address and Telephone Number for Notifications and Inquiries
505.100	Standards for Design, Construction, Operation and Inspection (general)
505.110	Registration Requirements (general)
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505.130	Operation Requirements (general)
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505.170	Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specials) (general)
505.180	Authorized Inspectors (general)
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## SUBPART B: ISI BOILERS AND PRESSURE VESSELS

Section	
505.1000	Standards for Design, Construction, Operation and Inspection
505.1100	Registration Requirements
505.1200	Inspection Certificates
505.1300	Operation Requirements
505.1400	Inspection Requirements
505.1500	Repairs
505.1600	Code Case Applications
505.1700	Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specials)
505.1800	Authorized Inspectors
505.1900	Authorized Inspection Agencies

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This rule will implement the Department's statutory authority relating to boiler and pressure vessel safety, by establishing a program to require the use of nationally recognized standards for the safe and proper design, construction, installation, repair, alteration, inservice examination and testing and use of boilers and pressure vessels at nuclear facilities in the state. The rule provides for the registration of boilers and pressure vessels. It also provides for the issuance of inspection certificates for nuclear power systems and boilers and pressure vessels outside the regulatory purview of the Nuclear Regulatory Commission, to document that such systems, boilers and pressure vessels comply with these rules.

16) Information and questions regarding these amendments shall be directed to:

Lyle Black  
Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 524-0770 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Rules begins on the next page:

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## SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

Section	Standards for Design, Construction, Operation and Inspection
505.2000	Registration Requirements
505.2100	Inspection Certificates
505.2200	Operation Requirements
505.2300	Inspection Requirements
505.2400	Repairs and Alterations
505.2500	Code Case Applications
505.2600	Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specials)
505.2700	Authorized Inspectors
505.2800	Authorized Inspection Agencies

**AUTHORITY:** Implementing and authorized by Section 8(a)(8) of the Illinois Nuclear Safety Preparedness Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4308(a)(8)) [420 ILCS 5/8(a)(8)], Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 3202a and 3202b) [430 ILCS 75/2a and 2b], and by Section 71(C) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 63B17(C)) [20 ILCS 2005/71(C)].

**SOURCE:** Emergency Rule adopted at 17 Ill. Reg. 15667, effective September 10, 1993, for a maximum of 150 days; adopted at 18 Ill. Reg. \_\_\_\_\_, effective February 7, 1994.

## SUBPART A: GENERAL

## Section 505.10 Scope

This Part shall apply to all boilers and pressure vessels contained within or upon or in connection with nuclear facilities within this State except as provided in Section 505.50 and elsewhere in this Part. This Part sets forth standards for the safe and proper design, construction, installation, inspection, inservice examination and testing, repair and alteration of boilers and pressure vessels which are consistent with ASME Boiler and Pressure Vessel Code and National Board Inspection Code requirements as adopted and enforced by the Nuclear Regulatory Commission (NRC). This Part provides for the registration of boilers and pressure vessels. This Part also provides for the issuance of Inspection Certificates for nuclear power systems and non-ISI boilers and pressure vessels to document that such power systems, boilers and pressure vessels comply with this Part.

## Section 505.20 Policy

a) It is the intent of the Department of Nuclear Safety to implement this program in accordance with State law which provides that notwithstanding any other provision to the contrary, the Department of

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Nuclear safety shall have sole (State) jurisdiction over all boilers and pressure vessels contained within or upon or in connection with any nuclear facility within this State. The Department of Nuclear Safety shall have the same authority and shall have and exercise the same powers and duties in relation to those boilers and pressure vessels under this (the Boiler and Pressure Vessel Safety) Act as the Board (of Boiler and Pressure Vessel Rules) or the (Office of the State Fire Marshal have and exercise in relation to all boilers and pressure vessels in this State that are not included in this Section. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 3202(a)) [430 ILCS 75/2(a)].

b) This Part is intended to implement Sections 2a and 2b of the Boiler and Pressure Vessel Safety Act in a manner consistent with the State role provided for in the ASME Code and National Board Inspection Code. The Department intends to review Inservice Inspection Plans, reports and other documentation, as provided in this Part, to determine, in coordination and cooperation with the NRC, compliance with the ASME Code, National Board Inspection Code and other applicable codes and standards referenced in Section 505.40.

c) This Part is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Part as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Part shall not be applied. In addition, if the application of any requirement of this Part could affect the safety or the operation of the nuclear facility, as determined by the NRC, the Department shall apply the requirements only with the prior concurrence of the NRC, as provided for in Section 505.86

## Section 505.30 Definitions

The following definitions shall apply to this Part:

"Act" or "the Act" means the Boiler and Pressure Vessel Safety Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 3201 et seq.) [430 ILCS 75].

"Alteration" means a change to a boiler or pressure vessel made necessary by, or resulting in, a change in design requirements. Non-physical changes such as teration of a boiler or pressure vessel shall be considered an alteration. The addition of nozzles smaller than a reinforced opening size shall not be considered an alteration.

"ANSI" means the American National Standards Institute, 110 Broadway, New York NY 10018.

"Appurtenance" means an item attached to a stamped component that has work performed on it requiring verification by an Authorized Inspector

"ASME" means the American Society of Mechanical Engineers, 345 E. 47th



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Street, New York NY 10017.

"ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code with addenda thereof made, approved and adopted by the Council of the Society and adopted and incorporated by the Department in Section 505.40. Copies of the ASME Code may be obtained from the American Society of Mechanical Engineers.

"ASME Code Case" or "Code Case" means a document published by ASME to clarify the intent of the ASME Code or to provide alternative requirements to those specifically indicated in the ASME Code due to special circumstances or for the use of new technology.

"Authorized Inspection Agency" means one of the following:

A department or division established by a jurisdiction which has adopted one or more Sections of the ASME Code and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors. In Illinois, the Division of Boiler and Pressure Vessel Safety of the Office of the State Fire Marshal is the jurisdiction except for the City of Chicago; or

An inspection agency of an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State and employs inspectors who meet the requirements of Section 505.180 and Section 505.1800 or 505.2800, as applicable; or

An owner of boilers or pressure vessels who maintains a regularly established inspection department, whose organization and inspection procedures meet the requirements established by the Office of the State Fire Marshal.

"Authorized Inspector" means an individual who is employed by an Authorized Inspection Agency, holds a current Illinois Certificate of Competency issued by the Office of the State Fire Marshal pursuant to 41 Ill. Adm. Code 120.20 and meets the requirements of Section 505.180 and Section 505.1800 or 505.2800, as applicable.

"Boiler" means a closed vessel used to heat water or other liquids or to generate steam or other vapors under pressure or vacuum by the application of heat resulting from the combustion of fuels, electricity, atomic energy or waste gases.

"Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig and includes water boilers operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

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"High pressure, high-temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250° F at or near the boiler outlet.

"Heating boiler" means a steam heating boiler operated at pressures not exceeding 15 psig, or a hot water heating boiler operated at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Hot water supply boiler" means a boiler (including fired storage water heater) furnishing hot water to be used externally to itself at pressures not exceeding 160 psig or temperatures not exceeding 250° F at or near the boiler outlet.

"Certificate inspection" means an inspection, the report of which is used by the Department as justification for issuing, withholding or revoking the Inspection Certificate.

"Condemned boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that has been inspected and declared unsafe or disqualified by legal requirements, by the Department.

"Department" means the Department of Nuclear Safety of the State of Illinois.

"Design pressure" means the pressure used in the design of a boiler or pressure vessel for the purpose of determining the minimum permissible thickness or physical characteristics (e.g., material properties) of different parts of the vessel, in accordance with design standards of the ASME Code.

"Director" means the Director of the Department of Nuclear Safety of the State of Illinois.

"External inspection" means as complete an examination as can reasonably be made of the external surfaces of a boiler or pressure vessel. This examination shall be made while it is in operation, if possible.

"Inoperative" means a boiler or pressure vessel that itself or an attached appurtenance is no longer capable of functioning within its design requirements. The inability of support equipment to operate does not cause a boiler or pressure vessel to be considered inoperative.

"Inservice inspection interval" means the period of time during which inservice examinations and system pressure tests are performed, as defined by the owner in accordance with the ASME Code Section XI.

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"Inservice inspection period" means a subdivision of the inservice inspection interval, as defined by the owner in accordance with the ASME Code Section XI.

"Inservice inspection plan" means the documents prepared by the owner in accordance with paragraph IWA-2420 of the edition and addenda of Section XI approved by the NRC for use by the plant (10 year plan).

"Inspection" means examination and evaluation of documents and hardware by an Authorized Inspector to determine conformance of an item or an activity to the requirements of this Part.

"Inspection Certificate" means a certification issued by the Department for the operation of a non-ISI boiler or pressure vessel or nuclear power system.

"Internal inspection" means as complete an examination as can reasonably be made of the internal surfaces of a boiler or pressure vessel while it is shut down and manhole plates, handhole plates or other inspection opening closures are removed as required by the Authorized Inspector.

"ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is in the owner's inservice inspection plan.

"Maintenance" means routine activities conducted on an item that are performed and controlled in accordance with the owner's procedures, including minor restorative actions, that are not otherwise classified as a repair, replacement or alteration.

"Maximum Allowable Working Pressure" or "MAWP" means the maximum gauge pressure permissible (in accordance with the design requirements) at the top of a vessel in its operating position at the design temperature. This pressure is the least of those calculated for every element of the vessel using nominal thickness exclusive of allowances for corrosion and thickness required for loadings other than pressure. It is the basis for the pressure setting of the pressure relieving devices (e.g., pressure relief valves) protecting the vessel. The design pressure may be used in place of the maximum allowable working pressure in all cases for which calculations are not made to determine the value of the maximum allowable working pressure.

"National Board" means the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus OH 43229.

"National Board Inspection Code" means the National Board Inspection Code; A Manual for Boiler and Pressure Vessel Inspectors, published by the National Board and adopted and incorporated by the Department in

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Section 505.40. Copies may be obtained from the National Board.

"NFPA" means the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02269.

"Non-ISI boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that is not in the owner's inservice inspection plan.

"Non-standard boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, that does not bear the ASME Code Symbol Stamp.

"NRC" means the United States Nuclear Regulatory Commission or any agency which succeeds to its function in the licensing of nuclear power reactors or facilities, or facilities for spent nuclear fuel.

"Nuclear facility" means a nuclear power station. There may be one or more nuclear power systems at a nuclear power station.

"Nuclear power system" means all ISI boilers and pressure vessels in a unit, including their appurtenances, at a nuclear facility that are inspected in accordance with an inservice inspection plan. Such components are generally associated with systems that serve the purpose of producing and controlling the output of thermal energy from nuclear fuel and associated systems essential to the function and overall safety of the nuclear power system.

"Owner" means any organization, person, firm or corporation legally responsible for the safe operation of any boiler or pressure vessel at a nuclear facility within the State.

"PSIG" means pounds per square inch gauge and is a measure of pressure.

"pressure relief valve" means a safety valve, relief valve or safety relief valve.

"pressure vessel" means an enclosed vessel in which pressure is obtained from an external source, or by applying heat from an indirect source or from a direct source other than boilers as defined above. Reactor containments are not considered pressure vessels.

"Quality Assurance Program" means a controlled system of planned and systematic actions required to provide adequate confidence that the items designed and constructed are in accordance with the rules of the ASME Code Section III; or all the planned and systematic actions necessary to provide adequate confidence that a structure, system or component will perform satisfactorily in service in accordance with

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Appendix B of 10 CFR 50, as applicable.

"Reinstalled boiler or pressure vessel" means any boiler or pressure vessel, including related appurtenances, removed from its original setting and reinstalled at the same location or at a new location within the State of Illinois without change of ownership.

"Relief valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve which opens further with the increase in pressure over the opening pressure. It is used primarily for liquid service.

"Repair" means the process of restoring a nonconforming item by welding or brazing such that existing design requirements are met.

"Report of Inspection" means a report prepared by an Authorized Inspector which documents that a non-ISI boiler or pressure vessel meets the requirements of this Part for installation and periodic inspection.

"Reportable event" means any accident which either causes a boiler or pressure vessel to become inoperative due to damage from an explosion, catastrophic event or failure due to material condition, of either itself or an attached appurtenance, or results in death or bodily injury to a person.

"Rerating" means the increase of the MAWP or temperature of a boiler or pressure vessel regardless of whether physical work is performed on the boiler or pressure vessel. Rerating shall be considered an alteration.

"Safety relief valve" means an automatic pressure actuated relieving device suitable for use as a safety or relief valve, depending on application.

"Safety valve" means an automatic pressure relieving device actuated by the static pressure upstream of the valve and characterized by full opening pop action. It is primarily used for gas or vapor service.

"State Special" means a boiler or pressure vessel, including related appurtenances, of special construction that may not be constructed in accordance with the ASME Code. See Sections 505.170, 505.1700 and 505.2700 for the procedures for granting a State Special.

"Special Inspector" means an Inspector holding an Illinois Certificate of Competency and a Commission issued by the Office of the State Fire Marshal (OSFM) and who is regularly employed by an insurance company which is authorized (licensed) to insure and is insuring boilers and pressure vessels at nuclear facilities in this State.

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"Technical specifications" means part of the Updated or Final Safety Analysis Report and Operating License issued by the NRC that designates safety limits, limiting safety system settings, limiting conditions for operation and surveillance requirements for the safe operation of the nuclear facility.

"Underwriters Laboratories" (U.L.) means a non-profit independent organization testing for public safety. It maintains and operates laboratories for the examination and testing of devices, systems and materials to determine their relationship to life, fire and casualty hazards.

"Updated or Final Safety Analysis Report" means a report required by the NRC in accordance with 10 CFR 50.34.

"Welding" means a group of processes wherein coalescence is produced by heating with an arc or arcs, with or without the application of pressure and with or without the use of filler metal.

#### Section 505.40 Standards Incorporated by Reference

The Department hereby adopts and incorporates by reference the following codes and standards.

a) In accordance with the authority granted under Section 2a of the Act, the Department adopts the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers with addenda thereto made. Those Sections of the ASME Code listed below are incorporated into and constitute a part of the whole rules and regulations of the Department.

1) ASME Boiler and Pressure Vessel Code, 1952 Edition including all addenda editions through the ASME Boiler and Pressure Vessel Code, 1992 Edition, for the following:

AGENCY NOTE: The edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component can be traced using the date of construction of the component in light of Sections 505.170, 505.1000 and 505.2000. For more information see Sections 505.170, 505.1000 and 505.2000.

- A) Section I, Rules for Construction of Power Boilers;
- B) Section II, Material Specifications
  - Part A - Ferrous
  - Part B - Nonferrous
- Part C - Welding Rods, Electrodes and Filler Metals
- Part D - Properties;
- C) Section III, Rules for Construction of Nuclear Power Plant Components, Division 2 - Concrete Reactor Vessels and Containments;
- D) Section IV, Rules for Construction of Heating Boilers;
- E) Section V, Nondestructive Examination;
- F) Section VI, Recommended Rules for Care and Operation of



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- Heating Boilers;  
 G) Section -VII, Recommended Guidelines for Care of Power Boilers;  
 H) Section VIII, Rules for Construction of Pressure Vessels  
 Division 1 - Including Appendix M  
 Division 2 - Alternative Rules;  
 I) Section IX, Welding and Brazing Qualifications; and  
 J) Section X, Fiberglass-Reinforced Plastic Pressure Vessels.

- 2) ASME Boiler and Pressure Vessel Code, editions and addenda referenced in Title 10 of the Code of Federal Regulations (CFR) Part 50, Section 50.55a (10 CFR 50.55a), revised as of January 1, 1993, including all limitations and modifications contained therein, for the following:

- A) Section III, Rules for Construction of Nuclear Power Plant Components, Division 1 - Nuclear Power Plant Components; and  
 B) Section XI, Rules for Inservice Inspection of Nuclear Power Plant Components, Division 1 - Rules for Inspection and Testing of Light-Water Cooled Plants.

AGENCY NOTE: The Department will review programs at specific plants on the basis of the edition and addenda of Sections III and XI approved by the NRC for the specific plant.

- b) The Department adopts The National Board Inspection Code, 1992 edition, published by the National Board, except that in all cases "should" shall be read as "shall", "jurisdiction" shall be read as "Department" and reference to Chapter III within Chapter II shall be read as reference to Sections 505.150, 505.1500 or 505.2500.

- c) The Department adopts the following nationally recognized standards and their addenda:

- 1) ASME CSD-1, 1988, Controls and Safety Devices for Automatically Fired Boilers, Part CF only, for boilers installed or reinstalled after January 1, 1991 and Section CW-520;  
 2) NFPA 8501-92, Single Burner Boilers - Furnaces;  
 3) NFPA 85-C, 1991, Multiple Burner Boilers - Furnaces; and  
 4) NFPA 85-F, 1988, Pulverized Fuel Systems.

- d) The Department adopts ANSI/ASME N626, Qualification and Duties of Authorized Nuclear Inspection Agencies and Personnel, 1974 Edition including all addenda and editions through the N626a-1991 addendum.

AGENCY NOTE: The edition and addenda of ANSI/ASME N626 applicable to the qualifications of the authorized nuclear inspection agency and its personnel can be traced using the edition and addenda of the ASME Boiler and Pressure Vessel Code applicable to a particular component.

- e) For documents included in subsections (a) through (d) above, the Department is incorporating only those editions and addenda indicated. The Department is not incorporating any subsequent edition or addendum to these documents. All documents are available for public review at the Department offices, 1035 Outer Park Drive, Springfield, Illinois.

AGENCY NOTE: This Section is applicable to the following nuclear power plants: Braidwood Station, Units 1 & 2; Byron Station, Units 1 & 2; Clinton Station, Unit 1; Dresden Station, Units 1, 2 & 3; LaSalle

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County Station, Units 1 & 2; Quad Cities Station, Units 1 & 2; and Zion Station, Units 1 & 2.

## Section 505.50 Exemptions

The following exemptions to requirements in this Part shall be permitted except as defined below or as otherwise provided in this Part. The exemptions provided below in subsections (a)(1), (2), (3) and (4) shall not be permitted for ISI boilers and pressure vessels.

- a) Except as provided in Section 505.70, the following boilers and pressure vessels shall be exempt from the requirements of this Part:

- 1) Those classes of pressure vessels not within the scope of ASME Code Section VIII, Division I as defined in the introduction under paragraph U-1.  
 2) Boilers and pressure vessels which have either a limiting Condition for Operation (LCO) or a surveillance requirement in the plant's technical specifications.  
 3) Pressure vessels that do not exceed:

- A) A volume of 15 cubic feet and 250 psig when not located in a place of public assembly.  
 B) A volume of 5 cubic feet and 250 psig when located in a place of public assembly.  
 C) A volume of 1-1/2 cubic feet and 600 psig.

- 4) Water conditioning equipment used for removing minerals, chemicals, or organic or inorganic particulate from water by means other than application of heat, e.g., water softeners, water filters, dealkalizers and demineralizers, provided that:

- A) The temperature of such vessels is maintained below 212 degrees Fahrenheit;  
 B) No heat is applied to the water after being placed into such vessels; and  
 C) No heat is applied either directly or indirectly to such vessels.

- 5) Hot water supply boilers which are directly fired with oil, gas or electricity, when none of the following limitations are exceeded:

- A) Heat input of 200,000 BTU/hr.; or  
 B) Water temperature of 200° F; or  
 C) Nominal water containing capacity of 120 gallons.

- 6) Coil type hot water boilers where the water can flash into steam when released directly to the atmosphere through a manually operated nozzle, provided the following conditions are met:

- A) There is no drum, headers or other steam spaces;  
 B) No steam is generated within the coil;  
 C) Outside diameter of tubing does not exceed 1 inch;  
 D) Pipe size does not exceed 3/4 inch;  
 E) Water capacity of the unit does not exceed 6 U. S. gallons; and  
 F) Water temperature does not exceed 350° F.

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- 7) Containers for liquefied petroleum gas that do not exceed a volume of 2,000 U. S. gallons except when used for dispensing to other LPG containers or fuel tanks; and
- 8) Other boilers and pressure vessels listed under Section 5(a) of the Act.
- b) Boilers and pressure vessels listed under Section 5(b) of the Act shall be subject to the requirements of this Part (e.g., design, construction and registration) except for those requirements pertaining to inspection, Inspection Certificates and penalties for operating without a valid Inspection Certificate.

**Section 505.60 Access to Facilities and Documents**

Upon prior notice and subject to requirements contained in the Memorandum of Understanding, Subagreement No. 2, between the Department and the NRC, effective May 15, 1990, representatives of the Department or an Authorized Inspector may enter upon any privately or publicly owned property in this State where a boiler or pressure vessel, including related appurtenances, or a part thereof is being designed, constructed, installed or used within or upon or in connection with a nuclear facility in this State to ascertain whether such boiler or pressure vessel or part thereof is designed, constructed, installed and inspected in accordance with the standards of this Part. In addition to the documents required by this Part, owners shall make available to the Department additional documents as the Department determines are required to verify ASME Code and National Board Inspection Code compliance in accordance with this Part. These documents may include, but need not be limited to, such documents as a Quality Assurance Program in effect at the nuclear facility meeting the requirements of the ASME Code, or the details of flaw evaluations. The requirements of this Section are subject to the limitations of Section 505.20(c).

AGENCY NOTE: Documentation required to be made available under this Section shall be relevant to a determination of compliance with this Part.

**Section 505.70 Notification of Failures**

- a) Any owner, which includes any person, firm, partnership, corporation or government entity, that knowingly fails to notify the Department within 24 hours, or the next business day, after a reportable event, or after any bodily injury or death to any person caused by a reportable event, is guilty of a Class B misdemeanor, if a natural person, or a business offense punishable by a fine of not less than \$501 and not more than \$10,000, if a corporation or government agency.
- b) In the case of a reportable event, the owner of the affected boiler or pressure vessel may take whatever measures it determines in its sole discretion are necessary to give emergency assistance to injured persons or to alleviate any threat to the public health and safety.
- c) In the case of a reportable event, the owner may not move, disturb or repair the affected boiler or pressure vessel until the Department has been given the opportunity to examine the boiler or pressure vessel

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within twelve hours after the reportable event, except that the owner may initiate an investigation, including the gathering of material for samples and the taking of any ancillary action necessary for such sample gathering, where the owner either determines that such activities will not substantially interfere with the Department's subsequent examination or provides a record of the initial circumstances sufficient to provide the Department with an accurate report of the condition which was obtained before the owner initiated its activities.

- d) The requirements of this Section shall apply to any boiler or pressure vessel including those exempt under Section 505.50.

**Section 505.80 Administrative Review and Hearings - Inspection Certificates**

This Section shall apply to all actions by the Department for noncompliance with this Part that potentially could impact upon the issuance, suspension or revocation of an Inspection Certificate required by this Part.

- a) When in any instance departmental review reveals that an owner may not be in compliance with one or more requirements of this Part, the Department will notify the owner in writing of those facts and circumstances known to the Department that give rise to the inference that the owner is not in compliance. If the facts and circumstances giving rise to the inference involve only boilers and pressure vessels that the NRC has determined are not within NRC's jurisdictional authority, subsection (c) below shall apply and subsection (b) below shall not apply. If the facts and circumstances giving rise to the inference involve any other boiler, pressure vessel or nuclear power system, subsection (b) below shall apply and subsection (c) below shall not apply.

- b) Simultaneously with the notification provided for in subsection (a) above, the Department will notify the NRC in writing of those facts and circumstances known to the Department that give rise to the inference that the owner is not in compliance. If the owner fails to demonstrate to the Department that the owner is in compliance within 10 days after the notification, the Department shall provide to the NRC a written request pursuant to 10 CFR 2.200 et seq. (1991), that the NRC take appropriate action, e.g., pursuant to 10 CFR, Part 2, Appendix C (1991). The request will specify the NRC action or actions that the Department is requesting.

- c) If the owner fails to demonstrate to the Department that the owner is in compliance within 10 days after the notification provided for in subsection (a) above, the Department shall issue a Preliminary Order and Notice of Opportunity for Hearing in accordance with 32 Ill. Adm. Code 200. The owner aggrieved by such order may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner or



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organization was in compliance with the requirements of this Part, the Director shall issue to the owner an Order of Compliance or issue such other order as appropriate.

- 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying an application for, or suspending or revoking, an affected Inspection Certificate.

- d) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

#### Section 505.82 Administrative Review and Hearings - Authorized Inspection Agency

This Section shall apply to any action by the Department to deny an application for, or to suspend or revoke, departmental recognition of an Authorized Inspection Agency.

- a) An owner or organization aggrieved by the Department's action pursuant to Sections 505.190(c) or 505.190(e) may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner or organization was in compliance with the requirements of this Part, the Director shall issue an order directing that recognition be extended to the organization.

- 2) If, after the hearing or default, the Director finds that the owner or organization is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for recognition.

- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

#### Section 505.84 Administrative Review and Hearings - Special Permits

This Section shall apply to any action by the Department to deny an application for, or to suspend or revoke, a special permit for construction of a non-ASME Code boiler or pressure vessel pursuant to Section 505.2700.

- a) An owner aggrieved by a Departmental denial pursuant to Section 505.2700(c)(6) or departmental action pursuant to Section 505.2700(c)(5) may within 15 days submit a written request for a hearing to the Department, which shall thereafter hold an adjudicatory hearing in accordance with Section 16 of the Boiler and Pressure Vessel Safety Act, the Illinois Administrative Procedure Act and 32 Ill. Adm. Code 200.

- 1) If, after the hearing, the Director finds that the owner was in

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compliance with the requirements of this Part or that the affected non-ASME boiler or pressure vessel meets the criteria of Section 505.2700(c), the Director shall issue an order directing that the Special Permit be issued to the owner or organization.

- 2) If, after the hearing or default, the Director finds that the owner is not in compliance with the requirements of this Part, the Director will render a final decision which may include denying the application for, or suspending or revoking, a Special Permit.

- b) All final administrative decisions of the Director under this Part shall be subject to judicial review pursuant to Section 16 of the Boiler and Pressure Vessel Safety Act.

#### Section 505.86 Actions Pending Before the United States Nuclear Regulatory Commission

Whenever any person brings an action before the NRC pursuant to 10 CFR 2.200 et seq. (1991) alleging that a departmental application of a requirement of this Part could affect the safety or the operation of a nuclear facility, the Department shall not apply or enforce the requirement until such time as the NRC concurs in the application or enforcement or until the NRC otherwise finds and notifies the Department that the application of the requirement could not affect the safety or the operation of the nuclear facility.

#### Section 505.90 Address and Telephone Number for Notifications and Inquiries

Written reports or communications concerning or required by this Part shall be addressed to: Code Compliance Section, Office of Nuclear Facility Safety, Illinois Department of Nuclear Safety, 1035 Outer Park Drive, Springfield, Illinois 62704. The Department may be reached by telephone at (217) 785-9900.

#### Section 505.100 Standards for Design, Construction, Operation and Inspection (general)

Please refer to Section 505.1000 for ISI boilers and pressure vessels and Section 505.2000 for non-ISI boilers and pressure vessels.

#### Section 505.110 Registration Requirements (general)

- a) The requirements of this Section are subject to the limitations of Section 505.20(c).

- b) The owner of a nuclear facility shall register with the Department all boilers and pressure vessels contained within or upon or in connection with the nuclear facility unless exempt under Section 505.50(a), as follows:

- 1) For each boiler and pressure vessel already in operation and registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before August 6, 1994 evidence supporting existing registration through the Office of



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the State Fire Marshal and the additional information required by Sections 505.1100 or 505.2100, as applicable. Such evidence shall include the State serial number assigned to the boiler or pressure vessel, a description of the boiler or pressure vessel and the nuclear power system to which the boiler or pressure vessel belongs.

2) For each boiler and pressure vessel already in operation and not registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit on or before May 8, 1994 the information required by Sections 505.1100 or 505.2100, as applicable.

3) For each boiler and pressure vessel installed after February 7, 1994, the owner shall register the boiler or pressure vessel prior to its operation in accordance with Sections 505.1100 or 505.2100, as applicable.

c) After February 7, 1994, manufacturer's Data Reports shall be filed by the owner with the Department for new installation and reinstallation of boilers and pressure vessels at nuclear facilities unless otherwise exempted by Section 505.50(a). If a boiler or pressure vessel is of special design or will not bear the ASME stamp, then the owner shall additionally comply with the requirements of Sections 505.170 and 505.1700 or Section 505.2700 for non-ASME Code ISI or non-ISI boilers and pressure vessels, respectively.

AGENCY NOTE: Data Reports as used in this subsection refers to those documents completed as required by the construction code applicable to the boiler or pressure vessel.

d) Each boiler or pressure vessel subject to the Act shall be identified by a serial number of the State of Illinois. If a State serial number has not already been assigned by the OSFM, a number will be assigned by the Department and applied by the Authorized Inspector. Additionally, the ASME Code required stamping shall be kept free of paint and tagging so that it will be plainly visible and easily read by the Inspector.

e) The State serial number on boilers shall not be less than 5/16" in height and shall be preceded by the letters "ILL" which shall also be not less than 5/16" in height. Boilers will be identified by a five digit number. The State serial number on unfired pressure vessels shall be not less than 5/16" in height and shall be preceded by the letters "ILL" and the letter "U" which also shall be not less than 5/16" in height. Unfired pressure vessels will be identified by a six digit number. The Inspector shall make certain that the correct Illinois State serial number is affixed to the boiler or pressure vessel.

f) The requirements of subsections (d) and (e) above for the physical application of the State serial number may be waived if a system to identify the boiler or pressure vessel with the assigned State serial number has been established and the system of identification is acceptable to the Department. An alternative system for the identification of boilers and pressure vessels with assigned State

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serial numbers shall be acceptable to the Department if the alternative system readily and unambiguously allows the Department and Authorized Inspector to track the inspection status of the boilers and pressure vessels using the State serial numbers. Acceptable alternative systems of identification may include, but are not limited to, the use of cross-reference lists between assigned State serial numbers and any of the following: National Board serial numbers; manufacturers' names and serial numbers; or plant equipment identification numbers as shown on controlled plant system identification drawings provided to the Department.

g) A Certificate Inspection shall be made of all used or second-hand boilers or pressure vessels prior to operation at a nuclear facility in this State. In a case where a boiler or pressure vessel is moved and reinstalled the fittings and appliances shall be upgraded to comply with the rules for new installations.

## Section 505.120 Inspection Certificates (general)

a) Inspection Certificates for nuclear power systems shall be issued in accordance with Section 505.1200. Inspection Certificates for non-ISI boilers and pressure vessels shall be issued in accordance with Section 505.2200. Both nuclear power systems and non-ISI boilers and pressure vessels and their Inspection Certificates shall be subject to the provisions of subsections (b) and (c) below.

b) Owners shall keep the Inspection Certificate in an accessible location.

c) Boilers and pressure vessels that change classification (i.e., to or from ISI or non-ISI) as a result of additions to or deletions from the Inservice Inspection Plan shall be subject to the registration and submittal requirements of the new classification. To reduce the administrative burden on the owner, the owner need only inform the Department of all previous submittals made on behalf of existing registration which the owner intends to apply to the new classification.

## Section 505.130 Operation Requirements (general)

a) The requirements of this Section are subject to the limitations of Section 505.20(c).

b) Any person, firm, partnership or corporation violating any of the provisions of this Part shall be subject to the penalties provided in the Act.

c) An Inspection Certificate may be suspended by the Department if an ISI or non-ISI boiler or pressure vessel or nuclear power system is in operation but not in compliance with this Part.

d) An Inspection Certificate may be suspended by the Department if an ISI or non-ISI boiler or pressure vessel or nuclear power system is being operated in an unsafe condition.

e) If the owner of any boiler or pressure vessel or nuclear power system

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required to be inspected refuses to allow an inspection to be made, the Department shall take action to suspend the Inspection Certificate under Section 505.80 until the owner complies with the requirements.

f) For any boiler or pressure vessel that has been inspected and declared unsafe by an Authorized Inspector, the Authorized Inspector shall notify the Department of his intention to condemn the boiler or pressure vessel. The Department shall act in accordance with subsection (g) below for such ISI or non-ISI boilers or pressure vessels.

g) Upon being notified under the provisions of subsection (f) above, the Department shall take action concerning the affected Inspection Certificate in accordance with Section 505.80.

h) Subject to the limitations of Section 505.20(c), 505.80 and 505.86, the owner who causes a non-ISI boiler or pressure vessel or nuclear power system to be operated without a valid Inspection Certificate shall be subject to the penalty as provided in the Act.

i) Removal of Safety Appliances.

1) No person, except under the direction of an Authorized Inspector, shall attempt to remove or shall do any work upon safety appliances required by this Part while a boiler or pressure vessel is in operation. If any of these appliances are repaired during an outage of a boiler or pressure vessel, they shall be reinstalled and in proper working order before the object is again placed in service.

2) No person shall in any manner load the safety valve or valves to maintain a working pressure in excess of that stated on the Inspection Certificate.

**Section 505.140 Inspection Requirements (general)**

a) The requirements of this Section are subject to the limitations of Section 505.20(c).

b) If, upon inspection and notification by an Authorized Inspector, a boiler or pressure vessel at a nuclear facility is found to be in such condition that it is unsafe to operate, the Department, subject to the limitations of Section 505.20(c), shall act to suspend the Inspection Certificate in accordance with Section 505.80.

c) Owners shall assure that examinations and tests are conducted in accordance with the methods and frequencies established by this Part.

d) In addition to the reporting frequencies specified in this Part, the owner shall report to the Department within 72 hours when, on the basis of observation or objective information, the owner has reason to believe that an ISI or non-ISI boiler or pressure vessel or nuclear power system does not meet the standards of this Part.

e) Inspections shall be conducted by Authorized Inspectors.

**Section 505.150 Repair and Alterations (general)**

Please refer to Section 505.1500 for ISI boilers and pressure vessels and

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Section 505.2500 for non-ISI boilers and pressure vessels.

**Section 505.160 Code Case Applications (general)**

The owner may, at his discretion, elect to use an ASME Code Case to design, construct, examine, test, repair or alter a boiler or pressure vessel. The owner shall notify the Department of all intentions to use a Code Case and the extent and nature of the use of the Code Case for the particular application.

**Section 505.170 Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specialists) (general)**

a) The Department may issue special permits for boilers and pressure vessels at nuclear facilities which for some reason were not constructed in accordance with the applicable ASME Code Section. The Department shall issue special permits in accordance with Section 505.1700 or Section 505.2700, as applicable.

b) Owners may request the Department to issue a special permit for an object not constructed in accordance with the applicable ASME Code Section.

c) Upon completion of construction and installation, the owner shall register the non-ASME Code boiler or pressure vessel with the Department. The owner shall demonstrate compliance with the provisions of the special permit. The owner shall meet the applicable registration requirements for either ISI boilers and pressure vessels in Sections 505.1100 and 505.1200 or non-ISI boilers and pressure vessels in Sections 505.2100 and 505.2200.

**Section 505.180 Authorized Inspectors (general)**

a) To inspect ISI or non-ISI boilers or pressure vessels at nuclear facilities within the State an individual shall hold a Commission as a Special Inspector and an identifying commission card issued by the Office of the State Fire Marshal as provided in Section 8 of the Act.

b) If an Authorized Inspector finds that the boiler or pressure vessel or any of its appurtenances are in an unsafe condition the Inspector shall immediately notify the Department and submit a report of the defects.

c) The requirements of this Section are subject to the limitations of Section 505.20(c).

d) Authorized Inspectors shall perform all duties required of them under the ASME Code or the National Board Inspection Code, as applicable. Authorized Inspectors shall notify the Department within 7 days if they have knowledge of a nuclear power system or an ISI or non-ISI boiler or pressure vessel that:

- 1) is being operated without a valid Inspection Certificate;
- 2) is being operated at a pressure which exceeds indicated pressure on the Inspection Certificate; or
- 3) otherwise deviates from the requirements of this Part.

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- e) Inspectors inspecting ISI boilers or pressure vessels or nuclear power systems shall meet the requirements of Section 505.1800.

**Section 505.190 Authorized Inspection Agencies (general)**

- a) An organization that is providing ASME Code or National Board Inspection Code inspection services at a nuclear facility on February 7, 1994 shall be automatically recognized by the Department as an Authorized Inspection Agency. Such an organization shall, on or before March 9, 1994, notify the Department in writing that it is providing such inspection services. The notification shall also list the ASME Code Sections/National Board Inspection Code to which it conducts inspection activities.
- b) An organization that wishes to provide ASME Code or National Board Inspection Code inspection services at a nuclear facility but is not doing so as of February 7, 1994 shall be recognized as an Authorized Inspection Agency by the Department in accordance with subsection (c) below prior to providing ASME Code or National Board Inspection Code inspection services at a nuclear facility. Such an organization shall submit the following to the Department:
- 1) A written request for recognition as an Authorized Inspection Agency;
  - 2) A list of the names of Authorized Inspectors employed; and
  - 3) A written description of the types of inspections that the organization will perform and the ASME Code Sections/ National Board Inspection Code for which it will conduct inspection activities.

- c) The Department shall, within 90 days after receipt of an organization's request submitted pursuant to this Section, recognize the organization as an Authorized Inspection Agency upon determining that it has demonstrated in the request that it meets all qualification, duty and other requirements in those ASME Code Sections/National Board Inspection Code for which it wishes to provide inspection services. If it is determined that an organization's request submitted pursuant to this Section does not meet the requirements of this Section, the Department shall take action under Section 505.82.

AGENCY NOTE: Qualification, duty and other requirements for organizations in subsections (b) and (c) above shall be in accordance with the latest edition and addenda of the ASME Code/National Board Inspection Code referenced in Section 505.40.

- d) The Office of the State Fire Marshal of the State of Illinois is exempt from all the requirements of this Section.

- e) If the Department determines that an Authorized Inspection Agency is not qualified, the Department shall act to suspend or revoke its recognition of the Authorized Inspection Agency under Section 505.82.
- AGENCY NOTE: Applicable ASME Code Sections/National Board Inspection Code as used in this Section means those under which the inspection agency is performing inspection activities. Departmental reviews will

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determine whether the organization meets all requirements for Authorized Inspection Agencies as found in the most recent edition and addenda of the ASME Code or National Board Inspection Code, as applicable, referenced in Section 505.40.

- f) Authorized Inspection Agencies that are writing boiler or pressure vessel risks on February 7, 1994 shall, on or before March 9, 1994, notify the Department of all such risks being written.
- g) Following the notification of subsection (f) above, Authorized Inspection Agencies shall notify the Department within 30 days of all new boiler or pressure vessel risks written.
- h) Within 30 days following each inspection required by this Part, the Authorized Inspection Agency shall submit an accurate report of the results of such inspection to the Department in accordance with this Part.

## SUBPART B: ISI BOILERS AND PRESSURE VESSELS

**Section 505.1000 Standards for Design, Construction, Operation and Inspection**

ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a), installed or operated within or upon or in connection with a nuclear facility in Illinois shall be designed, constructed, installed, stamped, examined, tested, repaired, altered and inspected in accordance with Sections III and XI of the ASME Code or with other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.

**Section 505.1100 Registration Requirements**

For registration of each ISI boiler and pressure vessel, except those exempt under Section 505.50(a), the owner shall submit the following to the Department. If the submittal applies to a collection of ISI boilers and pressure vessels, the owner shall submit the documentation once for the ISI boilers and pressure vessels included in the submittal. If it is determined that any of the documents have previously been submitted to the Department or the Office of the State Fire Marshal, the owner does not have to resubmit them.

- a) A controlled copy of the Inservice Inspection Plans for the nuclear power system;
- b) Cross references to the State serial numbers, and National Board serial numbers if available, for all ISI boilers and pressure vessels in the Inservice Inspection Plan;
- c) For a nuclear power system that has not yet completed the first inspection period, preservice inspection summary reports for the nuclear power system;
- d) For ISI boilers and pressure vessels in operation on February 7, 1994:
  - 1) The Owner's Data Report, form NIS-1 of ASME Code Section XI, for inservice inspections conducted during the inservice inspection interval in effect on February 7, 1994;



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- 2) The Owner's Report for Repair or Replacement, form NIS-2 of ASME Code Section XI, if required by the applicable Code Edition and Addenda or Code Case used, for repair and replacement of ISI boilers and pressure vessels conducted during the inservice inspection interval in effect on February 7, 1994; and
  - 3) Inservice inspection summary reports for inservice inspections conducted during the inservice inspection interval in effect on February 7, 1994.
- e) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110.

## Section 505.1200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Department will take action in regard to an Inspection Certificate only in accordance with Section 505.80. The Department shall issue Inspection Certificates for nuclear power systems in accordance with this Section if the reports, programs and plans required to be submitted by Sections 505.110, 505.1100 and this Section are submitted in accordance with the frequencies and standards specified therein and are in compliance with this Part.

- a) Owners of nuclear power systems already in operation on February 7, 1994 shall not operate such nuclear power systems after February 7, 1995 without a valid Inspection Certificate issued by the Department. Operation of such nuclear power systems beyond this one year grace period without a valid Inspection Certificate shall constitute noncompliance with this Part.
- b) Owners of nuclear power systems not yet in operation on February 7, 1994, shall, prior to operation of such nuclear power systems, have a valid Inspection Certificate issued by the Department for such nuclear power systems.
- c) The Department shall issue one Inspection Certificate for each nuclear power system at a nuclear facility. Unless suspended by the Department, the Inspection Certificate shall remain valid through the six month period following the end of the inservice inspection period for which such Certificate was issued, or as otherwise permitted by this Part.
- d) For nuclear power systems already in operation on February 7, 1994, the Department shall issue the initial Inspection Certificate for the remainder of the inservice inspection period in effect on February 7, 1994 based on determination by the Department that the submittal requirements of Section 505.1100 and this Section are met.
- e) For nuclear power systems not yet in operation on February 7, 1994, the Department shall issue the initial Inspection Certificate for the first inservice inspection period based on a Department determination that the submittal requirements of Section 505.1100 are met.

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- f) An Inspection Certificate shall be issued for each nuclear power system at the nuclear facility for the succeeding inservice inspection period when the Department determines that:

1) The examinations and tests required by the Inservice Inspection Plan during the preceding inservice inspection period were completed; and

2) All related submittal requirements of this Part are met.

AGENCY NOTE: In order to determine whether the examinations and tests required by the Inservice Inspection Plan during the preceding inspection period were performed and completed, the Department will review the submittals required by this Section against the Inservice Inspection Plan and the applicable edition and addenda of the ASME Code Section XI. The above review and determination will be made separately for each nuclear power system. During this review the Department shall accept requests for relief from ASME Code Section XI requirements that have been approved by the NRC.

- g) The inservice inspection interval for the nuclear power system may be extended or reduced as permitted by the applicable Code edition and addenda or that has been approved by the NRC. The owner shall notify the Department in writing of any such change in the inservice inspection interval. The Department may issue a new Inspection Certificate, or may adjust the term of the Inspection Certificate in effect for the applicable inservice inspection period.

h) When the owner discovers that an ISI boiler or pressure vessel is not in compliance with this Part, the owner shall take measures to bring the ISI boiler or pressure vessel into compliance. Such measures may include, but are not limited to, repair or replacement of the ISI boiler or pressure vessel in accordance with Section 505.1500. In such cases, the owner shall notify the Department in accordance with Section 505.140. The owner shall submit information concerning the details of the noncompliance and the measures taken to bring the noncomplying ISI boiler or pressure vessel into compliance to the Department within 90 days following the completion of such corrective measures. Any replacement ISI boiler or pressure vessel shall meet the requirements of this Part for new boilers and pressure vessels and shall be registered by the owner with the Department in accordance with Section 505.1100. The Department shall review the information submitted regarding the noncompliance and the corrective measures taken and may issue a revised Inspection Certificate to reflect any change in nuclear power system composition.

i) The owner shall submit the following:

- 1) In addition to the information submitted under Section 505.1100, the owner shall submit the following to the Department within 90 days after completing an inservice inspection:
  - A) The inservice inspection summary report required by ASME Code Section XI;
  - B) The Owner's Data Report, form NIS-1 required by ASME Code Section XI;
  - C) The Owner's Report for Repairs or Replacements, form NIS-2

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of Section XI, if required by the applicable Code Edition and Addenda or Code Case used, for all repairs and replacements performed since the last inservice inspection; and

D) Deviations from the Inservice Inspection Plan implemented during inservice inspections that impact upon compliance with this Part.

2) The owner shall submit the Inservice Inspection Plan for the next inservice inspection interval to the Department prior to the end of each inservice inspection interval.

j) If the Department finds that:

1) The submittals in subsection (i) above have not been made or are incomplete; or

2) The examinations and tests required by the owner's Inservice Inspection Plan have not been performed or are incomplete; or

3) The owner has not met the requirements of subsection (h) above; or

4) The nuclear power system is not being inspected in accordance with this Part;

the Department shall take action under Section 505.80.

k) In addition to the above requirements, owners shall meet the requirements of Section 505.120.

**Section 505.1300 Operation Requirements**

ISI boilers and pressure vessels shall meet the requirements of Section 505.130.

**Section 505.1400 Inspection Requirements**

ISI boilers and pressure vessels shall meet the requirements of Section 505.140.

**Section 505.1500 Repairs**

Repairs of ISI boilers and pressure vessels and pressure relief valves associated with ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a), shall be made in accordance with this Section.

a) ISI boilers and pressure vessels shall be repaired in accordance with the applicable repair and replacement requirements of Section XI of the ASME Code or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.

b) Pressure relief valves associated with ISI boilers and pressure vessels shall be repaired in accordance with the applicable repair and replacement requirements of Section XI of the ASME Code or other codes

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and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC.

**Section 505.1600 Code Case Applications**

a) Approval to use an ASME Code Case for ISI boilers and pressure vessels is vested in the NRC. The Department shall accept all ASME Code Cases approved for use by the NRC.

b) Owners shall meet the notification requirements of Section 505.160 in all cases involving the use of Code Cases for ISI boilers or pressure vessels.

**Section 505.1700 Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specials)**

a) Approval to permit an owner to use alternative standards for construction of an ISI boiler or pressure vessel is vested in the NRC. The Department shall accept alternative construction standards that have been accepted by the NRC.

b) Owners shall meet the requirements of Section 505.170 in all cases involving use of alternative standards for the construction of ISI boilers or pressure vessels.

**Section 505.1800 Authorized Inspectors**

In order to perform the duties of an Authorized Inspector for ISI boilers and pressure vessels or nuclear power systems at nuclear facilities within the State, the individual must, in addition to the requirements of Section 505.180, hold a current endorsement with either a nuclear ("N" or "S") or an inservice ("I" or "IS") designation, as appropriate, issued by the National Board. Specific endorsement and corresponding titles are as follows:

- a) Authorized Nuclear Inspector ("N" Endorsement);
- b) Authorized Nuclear Inspector Supervisor ("S" Endorsement);
- c) Authorized Nuclear Inservice Inspector ("I" Endorsement); or
- d) Authorized Nuclear Inservice Inspector Supervisor ("IS" Endorsement).

**Section 505.1900 Authorized Inspection Agencies**

a) Organizations seeking to provide inspection services to the requirements of ASME Code Section III, Section XI or both, shall be subject to the requirements of this Section and Section 505.190.

b) The request for recognition submitted in Section 505.190(b) shall also contain documentation demonstrating that the organization meets the ASME Code and ASME/ANSI N626 qualifications for Authorized Inspection Agencies for the scope of inspection activities, including the possession of a valid ASME Certificate of Accreditation.

c) The Department shall act in accordance with Section 505.190(c) on all requests for recognition submitted in accordance with this Part.



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## SUBPART C: NON-ISI BOILERS AND PRESSURE VESSELS

## Section 505.2000 Standards for Design, Construction, Operation and Inspection

Non-ISI boilers and pressure vessels, including related appurtenances, except those exempt under Section 505.50(a), operated within or upon or in connection with a nuclear facility in Illinois, shall be designed, constructed, installed, examined, tested, repaired, altered and inspected as required by this Section, except in those cases where NRC has jurisdiction, as determined by NRC. Where NRC has jurisdiction, the codes and standards reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC shall apply. For non-ISI boilers and pressure vessels over which NRC has no jurisdiction, as determined by NRC, the standards required by this Part apply. If the NRC determines that NRC has jurisdiction, but has not established standards, the Department may propose to NRC that these or other standards be applied to such boilers and pressure vessels in nuclear power plants in Illinois.

- a) All new, existing and reinstalled non-ISI boilers, including related appurtenances, shall be designed, constructed, installed, examined, tested, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI boiler is moved and reinstalled, the fittings and appliances of that boiler shall comply with this Part.
- b) All non-ISI pressure vessels installed and placed in operation after December 31, 1976 and all reinstalled non-ISI pressure vessels, including related appurtenances, shall be designed, constructed, installed, tested, examined, repaired and altered in accordance with the ASME Code or National Board Inspection Code, as applicable, and inspected in accordance with this Part. Where a non-ISI pressure vessel is moved and reinstalled, the fittings and appliances of that pressure vessel shall comply with this Part.
- c) Non-ISI pressure vessels and related appurtenances installed and placed in operation at nuclear facilities on or before December 31, 1976 shall be inspected in accordance with this Part and designed, constructed, installed, tested, repaired and altered, in accordance with the following requirements.

- 1) The MAWP for standard pressure vessels shall be determined in accordance with the applicable provisions of the ASME Code under which they were constructed and stamped.

- 2) MAWP for Non-standard Pressure Vessels

- A) The MAWP of a non-standard pressure vessel subject to internal pressure shall be determined by the strength of the weakest course computed from the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course and the factor of safety set by this Part, as permitted below.

$$(TS \cdot t \cdot E) / (R \cdot FS) = MAWP, \text{ in psig, where:}$$

TS = ultimate tensile strength of shell plate, in psi. When

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the tensile strength of steel plate is not known, it shall be taken as 55,000 psi for temperature not exceeding 650° F. t = minimum thickness of shell plate of weakest course, in inches.

E = efficiency of longitudinal joint, depending upon construction. Use the following values (in percents):

For Fusion-Welded and Braze Joints:

Single lap welded.....40

Double lap welded.....60

Single butt welded.....60

Double butt welded.....75

Forge welded.....70

Braze steel.....80

For riveted joints -- calculate riveted joint efficiency in accordance with rules given in Section I, Part PR, of the 1971 ASME Code.

R = inside radius for weakest shell course, in inches, provided the thickness does not exceed 10 percent of the radius. If the thickness is over 10 percent of the radius, the outer radius shall be used.

FS = factor of safety permitted shall be a minimum of 5.0.

- B) The MAWP for cylindrical non-standard pressure vessels subject to external or collapsing pressure shall be determined by the rules in Par. UG-27 and UG-28 of the ASME Code Section VIII.

- C) The minimum factor of safety may be increased when deemed necessary by the Inspector to assure the operation of the vessel within safe limits. The condition of the vessel and the particular service to which it is subject will be determining factors.

- D) The MAWP permitted for formed heads under pressure shall be determined by using the appropriate formulas from UG-32 or UG-33 of the ASME Code Section VIII and the tensile strength and efficiencies given above.

- 3) Containers for liquified petroleum gas not otherwise exempt shall be equipped with ASME Code stamped spring-loaded safety relief valves and the start to discharge setting of such safety relief valves with relation to the design pressure of the container shall be in accordance with the following table:

Construction Code	Safety Relief Valve Settings	
	Minimum	Maximum
All Section VIII ASME Codes prior to and including the 1949 Edition, paragraphs U-68 and U-69	110 percent	125 percent
ASME Code Section VIII	100 percent	100 percent



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this Section as applied in any situation is or would be inconsistent with the regulations, rules and requirements of the NRC, the requirements of this Section shall not be applied. The Department will take action in regard to an Inspection Certificate only in accordance with Section 505.80. The Department shall issue Inspection Certificates for non-ISI boilers and pressure vessels in accordance with this Section if the reports, inspection criteria and plans required to be submitted by and identified in Sections 505.110 and 505.2100 and this Section are submitted in accordance with the frequencies specified therein and are in compliance with this Part.

a) The Department shall issue one Inspection Certificate to each non-ISI boiler and pressure vessel for a term equal to the frequency of inspection of the non-ISI boiler or pressure vessel as follows:

- 1) Power boilers, high pressure water boilers and high temperature water boilers shall be inspected annually, which shall be an internal inspection where conditions permit. Such boilers shall also be inspected externally annually while under representative operating conditions, if possible.
- 2) Low pressure steam boilers, hot water heating boilers and hot water supply boilers shall be inspected every two years. Such inspection shall be internal and external, where conditions permit. An external inspection shall be conducted under representative operating conditions at the request of the Authorized Inspector.
- 3) Pressure vessels subject to internal corrosion shall be inspected every three years. Such inspection shall be external and internal, where conditions permit.
- 4) Pressure vessels not subject to internal corrosion shall be inspected externally every three years.

AGENCY NOTE: External inspection may be waived by the Department due to inaccessibility of the equipment, based on the owner's detailed assessment of documentation and performance data verifying vessel integrity.

5) Inspection of flame safeguard equipment shall be to the standards of Section 505.40(c) and will be in conjunction with the regular inspection of boilers.

6) A grace period of 2 months beyond the period specified in subsections (1) or (2) above, may elapse between internal inspections of the boiler while it is not under pressure and the external inspection of the boiler while it is under pressure.

b) The date of issuance of the Inspection Certificate shall be the same as the inspection date shown on the completed Report of Inspection.

c) The Department shall issue an initial Inspection Certificate for a non-ISI boiler or pressure vessel as follows:

- 1) For non-ISI boilers and pressure vessels having a valid Inspection Certificate issued by the Office of the State Fire Marshal as of February 7, 1994, the Department shall automatically recognize such an Inspection Certificate until expiration or until the Department issues an Inspection Certificate in accordance with this Part, whichever is earlier.

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including the 1949 Edition

and later editions, paragraphs U-200 and U-201

d) All non-ISI boilers and pressure vessels shall be inspected in accordance with Chapter II of the National Board Inspection Code and this subsection. The following general requirements shall apply to all non-ISI boilers and pressure vessels.

1) The owner shall prepare each boiler and pressure vessel for internal inspection in accordance with Chapter II of the National Board Inspection Code. The Authorized Inspector should not enter any boiler or pressure vessel before he is satisfied that all necessary safety precautions from Chapter II of the National Board Inspection Code have been taken, including testing the boiler or pressure vessel atmosphere for oxygen and toxic, flammable and inert gases.

2) The owner shall prepare for and apply the hydrostatic test, whenever necessary, on a date agreeable to the owner and the Authorized Inspector.

e) All cases not specifically covered by this Part shall be treated as new installations. Existing non-ISI boilers and pressure vessels shall be governed by current ASME Code and National Board Inspection Code requirements or the requirements of the ASME Code in effect at the time of construction.

## Section 505.2100 Registration Requirements

For registration of each non-ISI boiler or pressure vessel, except those exempt under Section 505.50(a), the owner shall submit the following to the Department. If the submittal applies to a collection of non-ISI boilers and pressure vessels, the owner shall submit the documentation once for the non-ISI boilers and pressure vessels included in the submittal.

a) For each non-ISI boiler and pressure vessel already registered with the Office of the State Fire Marshal on February 7, 1994, the owner shall submit the information required by Section 505.110.

b) For each non-ISI boiler and pressure vessel registered after February 7, 1994, the owner shall submit any manufacturer's Data Reports related to the construction, repair, replacement or alteration of the non-ISI boiler or pressure vessel and its appurtenances.

c) For boilers and pressure vessels covered by this Section, owners shall meet the requirements of Section 505.110.

AGENCY NOTE: Data Reports as used in subsections (a) and (b) above refers to those documents completed as required by the construction or inspection code applicable to the non-ISI boiler or pressure vessel.

## Section 505.2200 Inspection Certificates

This Section is not intended to be, in any way, inconsistent with the applicable regulations, rules and requirements of the NRC. If a requirement of

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Application for an Inspection Certificate shall be in accordance with subsection (g) below.

- 2) Owners of a non-ISI boiler or pressure vessel not yet in operation on February 7, 1994, shall, prior to operation of such a boiler or pressure vessel, have a valid Inspection Certificate issued by the Department in accordance with this Part. Application for an Inspection Certificate shall be in accordance with subsection (g) below except that the owner shall submit the documents listed in (g)(2) below at least 90 days prior to operating such a boiler or pressure vessel.

- 3) Owners of a non-ISI boiler or pressure vessel in operation on February 7, 1994 but not having a valid Inspection Certificate issued by the Office of the State Fire Marshal may not operate such a boiler or pressure vessel after August 6, 1994 without a valid Inspection Certificate issued by the Department in accordance with this Part. Requests for an Inspection Certificate shall be in accordance with subsection (g) below except that:

- A) The owner shall submit the documents listed in subsection (g)(2)(A) below no later than 30 days prior to the end of the 180 day period.

- B) The document submittals in subsection (g)(2)(B) below shall be those documents, if any, completed within the 3 year period prior to February 7, 1994. The owner shall submit such documents on or before May 8, 1994.

- d) For other than initial issuance of an Inspection Certificate in accordance with subsection (c) above, the Department shall issue an Inspection Certificate for each non-ISI boiler or pressure vessel at the nuclear facility in accordance with this Section when the Department determines that:

- 1) The inspections applied to the non-ISI boiler or pressure vessel were completed;
  - 2) The Report of Inspection or similar report form was completed for the non-ISI boiler or pressure vessel and was submitted to the Department in accordance with subsection (g)(2) below; and
  - 3) All submittals in subsections (f) and (g) below are met.
- e) The Department shall issue the Inspection Certificate within 90 days following receipt of the Report of Inspection on the non-ISI boiler or pressure vessel, or shall observe the procedures of subsection (h) below. The latter shall occur either within 90 days following receipt of the Report of Inspection or within 10 days following the expiration date of the Inspection Certificate.
- f) The Inspection Certificate issued for the non-ISI boiler or pressure vessel as established by this Section may be extended for a maximum of one year.

- 1) For boilers, other than power boilers, high pressure water boilers, high temperature water boilers, and for pressure vessels, the owner shall request permission from the Department to extend the term of the Inspection Certificate prior to implementing the

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extension. The Department shall review a request for extension and permit such extension where the extension does not increase the risk to the public safety.

- 2) For power boilers, high pressure water boilers and high temperature water boilers, the Department may extend, for a time not exceeding one year, the time within which the power boiler is required to be internally inspected, subject to the following conditions and qualifications:

- A) The analysis and treatment of feedwater for such power boilers shall be under the supervision of a person qualified in the field of water chemistry.

- B) The analysis and treatment of the boiler feedwater shall be for the purpose of controlling and limiting serious deteriorating, crusting and sludge that affect the safety of the boiler.

- C) The owner of such boilers shall maintain, for examination by the Inspector, accurate records of such chemical and physical laboratory analysis of samples of the boiler water taken at regular intervals of not more than 24 hours operation and of the treatment applied. These records shall specify dates and times of analyses, by whom analyzed, and the treatment applied at that time and shall be certified by the responsible authority. These records will adequately show the conditions of such water and any constituents or characteristics which are capable of producing corrosion or other deterioration of the boiler or its parts.

- D) Application for extension shall be in writing setting forth facts establishing compliance with the foregoing conditions and qualifications and shall be accompanied by the report of external inspection.

- g) Notwithstanding any other provision of this Section, an Inspection Certificate shall remain valid beyond the expiration date noted on the certificate until the boiler or pressure vessel is reinspected by the Authorized Inspector or until the certificate is suspended by the Department, provided that the owner of the boiler or pressure vessel makes it available for inspection at reasonable times. For each non-ISI boiler or pressure vessel, the owner shall submit the following:

- 1) The information required by Section 505.2100;

- 2) On or before the expiration date of the Inspection Certificate issued to the non-ISI boiler or pressure vessel:

- A) The completed Report of Inspection or similar report form documenting that the inspections were performed in accordance with the inspection criteria and frequency requirements of subsection (a) above and Section 505.2100.

- B) All Code Data Reports and all other information related to the repair, replacement or alteration of the non-ISI boiler or pressure vessel or its appurtenances performed since the

last regulatory inspection.

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## h) If the Department finds that:

- 1) The submittals and notifications required by subsections (f) and (g) above have not been made or are incomplete; or
  - 2) The inspections required by this Section have not been performed or are incomplete; or
  - 3) A change to the inspection frequency applied to the non-ISI boiler or pressure vessel is not in accordance with subsection (f) above; or
  - 4) The non-ISI boiler or pressure vessel was insured and the insurance has been canceled or has otherwise become ineffective; the Department shall take action under Section 505.80.
- i) In addition to the above requirements, owners shall meet the requirements of Section 505.120.

**Section 505.2300 Operation Requirements**

Non-ISI boilers and pressure vessels shall meet the requirements of Section 505.130.

**Section 505.2400 Inspection Requirements**

- a) If, upon an external inspection, there is evidence of a leak or crack, enough of the covering of the non-ISI boiler or pressure vessel shall be removed so that the Authorized Inspector may determine the condition of the non-ISI boiler or pressure vessel. If removing the covering could create a situation which could effect the operability or safety of the vessel, the limitations of Section 505.20(c) shall apply.
- b) Owners shall permanently maintain inspection data and supporting documents throughout the lifetime of the equipment.
- c) In addition to the above requirements, owners shall meet the requirements of Section 505.140.

**Section 505.2500 Repairs and Alterations**

Repairs and alterations of non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, except boilers and pressure vessels and those pressure relief valves associated with boilers and pressure vessels that are exempt under Section 505.50(a), shall be made in accordance with this Section. Non-ISI boilers and pressure vessels, and pressure relief valves associated with non-ISI boilers and pressure vessels, that are repaired or altered after February 7, 1994 shall be repaired or altered in accordance with this Section or other codes and standards as reflected in the facility's Operating License, Final Safety Analysis Report, technical specifications or other licensing documents as required or approved by the NRC. The requirements of this Section are subject to the limitations of Section 505.20(c).

- a) The requirements of this subsection are limited to welded repairs and welded and non-welded alterations of non-ISI boilers and pressure

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vessels. Where requirements for a repair or alteration are not given, it is intended that, subject to approval of the Authorized Inspector, details of design and construction, insofar as practical, will be consistent with the ASME Code for boilers and pressure vessels constructed to the ASME Code, or the code to which the item was originally constructed for boilers and pressure vessels not constructed to the ASME Code or the repair rules of the National Board Inspection Code.

- 1) All non-ISI boilers and pressure vessels covered by the Act that are repaired after February 7, 1994 shall be repaired by one of the following organizations:

- A) An owner and those organizations under contract to the owner, provided that:
  - i) such repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
  - ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (i) above, that are applicable to a repair activity are applied to the repair; and
  - iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (i) above, to the repair of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

**AGENCY NOTE:** The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections above, is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" certificate of Authorization issued by the National Board.
  - C) An organization authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair boilers and pressure vessels.
- 2) Repairs shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the weld procedures, welders and welding operators' qualifications and repair methods. The Authorized Inspector may give prior approval for repairs of a routine nature. In every case the Authorized Inspector shall be advised of each repair under prior agreement.
- 3) All non-ISI boilers and pressure vessels covered by the Act that are altered after February 7, 1994 shall be altered by one of the following organizations:

- A) An owner and those organizations under contract to the owner, provided that:



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- i) such alterations are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) above, that are applicable to an alteration activity are applied to the alteration; and
- iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (a)(3)(A)(i) above, to the alteration of boilers and pressure vessels. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections above, is subject to review by the Authorized Inspector.

- B) An organization in possession of a valid "R" Certificate of Authorization issued by the National Board, provided the alterations are within the scope of such authorization.
- 4) Alterations shall be initiated only after they have been authorized by the Authorized Inspector who has reviewed and accepted the alteration methods and calculations. If considered necessary, the Authorized Inspector shall make an inspection of the object before granting such authorization.

- 5) Reports documenting repairs and alterations shall be sent to the Department in addition to the distribution required by the National Board Inspection Code.

A) Documentation of repairs shall be in accordance with Section R-402 of the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the Department prior to use. The Authorized Inspector shall determine whether the completion of the form R-1 or alternative form is required for routine repairs.

B) Documentation of alterations shall be in accordance with Section R-502 of the National Board Inspection Code, except that, in lieu of a form R-1, an alternative form containing equivalent information may be used. All alternative forms shall be signed by the Authorized Inspector. All alternative forms shall be approved by the Department prior to use.

- 6) Repairs and alterations shall be accepted by either an Authorized Inspector employed by the Authorized Inspection Agency responsible for the boiler or pressure vessel or by an Authorized

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Inspector employed by the Authorized Inspection Agency of record for the organization making the repair or alteration.

- 7) It shall be the responsibility of the organization making the repair or alteration to coordinate the acceptance inspection of the repair or alteration.

- 8) For pressure parts, the rules of Section R-307 of the National Board Inspection Code shall apply, except that references to Sections R-404 and R-505 in Section R-307 of the National Board Inspection Code shall be read as Sections 505.2500(a)(1) and 505.2500(a)(3).

- 9) Pressure Testing

- A) The Authorized Inspector may require a pressure test after completing a repair to a boiler or pressure vessel when in the Authorized Inspector's judgment one should be conducted.
- B) A pressure test in accordance with the National Board Inspection Code shall be applied to the boiler or pressure vessel on the completion of an alteration.

- 10) For repair methods, the rules of Section R-401 of the National Board Inspection Code shall apply.

- 11) Alteration methods shall comply with the general requirements of this subsection (a), and with the appropriate ASME Code Section or National Board Inspection Code, as applicable, including any service restrictions.

- 12) Major replacement of pressure parts, including drums and shells, which are fabricated by welding and for which a Manufacturers Data Report is required by the applicable ASME Code Section shall be fabricated by a manufacturer having an ASME Certificate of Authorization and the appropriate ASME Code Symbol Stamp. The item shall be inspected, stamped with the applicable ASME Code Symbol and the word "PART", and reported on the appropriate Manufacturers Partial Data Report.

- 13) When a repair or alteration requires removal of that part of a non-ISI boiler or pressure vessel containing the Code stamping, the Authorized Inspector shall, subject to the approval of the Department, witness the making of a facsimile of stamping, the obliteration of the old stamping and the transfer of the stamping to the new part. When the stamping is on a nameplate, the Authorized Inspector is to witness the transfer of the nameplate to the new part. The ASME Code Symbol is not to be restamped.

- 14) For rerating, the rules of Section R-503 of the National Board Inspection Code shall apply, except that "acceptance" shall be read as "forwarded for review and approval". Additionally, the following shall apply:

- A) All requirements in Section R-503 of the National Board Inspection Code and this subsection shall be met to the satisfaction of the Authorized Inspection Agency at the location of the installation.

- B) Revised calculations verifying the new service conditions shall be required from the original manufacturer or, when

## DEPARTMENT OF NUCLEAR SAFETY

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such calculations cannot be obtained from this source, they may be prepared by an Engineer in accordance with Section R-503(a) of the National Board Inspection Code.

- C) The boiler or pressure vessel shall be pressure tested for the rated condition as required by subsection (a)(8)(B) above.

- b) All ASME Code Section I "V" stamped, Section III "NV" stamped, and Section VIII "UV" stamped pressure relief valves associated with non-ISI boilers and pressure vessels shall be repaired in accordance with this subsection.

- 1) All pressure relief valves covered by this subsection (b) that are repaired after February 7, 1994 shall be repaired by one of the following organizations:

- A) An owner and those organizations under contract to the owner, provided that:

- i) such repairs are made in accordance with a Quality Assurance Program that meets the requirements of 10 CFR 50 Appendix B and has been approved by the NRC;
- ii) all portions of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) above, that are applicable to a repair activity are applied to the repair; and
- iii) the owner notifies the Department of his intention to apply 10 CFR 50 Appendix B Quality Assurance Program, described in subsection (b)(1)(A)(i) above, to the repair of these pressure relief valves. This notification only needs to be given once for all repairs of boilers and pressure vessels performed under the owner's 10 CFR 50 Appendix B Quality Assurance Program at the nuclear facility.

AGENCY NOTE: The application of the owner's 10 CFR 50 Appendix B Quality Assurance Program, described in subsections above, is subject to review by the Authorized Inspector.

- B) The manufacturer of the valve who is in possession of a valid ASME "V", "NV" or "UV" Certificate of Authorization, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System or Quality Assurance System, as applicable.

- C) An organization in possession of a valid "VR" Certificate of Authorization issued by the National Board, provided repairs are within the scope of the organization's Certificate of Authorization and are performed under the organization's Quality Control System.

- D) An organization in possession of a valid Certificate of Authorization issued by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, to repair pressure relief valves provided repairs are within the scope

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of the organization's Certificate of Authorization and performed under the organization's accepted Quality Control System.

- 2) Repair of a pressure relief valve is considered to be the replacement or machining of any critical part, lapping of seat and disc or any other operation which may affect the flow passage, capacity, function or pressure retaining integrity. Disassembly and reassembly or adjustments which affect the pressure relief valve function are not considered a repair, but a test confirming the valve's set pressure shall be performed. The initial installation, testing and adjustments of a new pressure relief valve on a non-ISI boiler or pressure vessel are not considered a repair.

- 3) Nameplates

- A) The rules of Appendix C-VR, Section 9.0 of the National Board Inspection Code shall apply. The exceptions and clarifications of this subsection shall also apply.

- B) The exception in National Board Inspection Code Appendix C-VR, Section 9.1, shall be as follows. Individuals authorized by the Division of Boiler and Pressure Vessel Safety, Office of the State Fire Marshal, who are properly trained and qualified employees of the owner may make adjustments to the set pressure provided the adjusted settings and the date of the adjustment are recorded on a metal tag secured to the seal wire. All external adjustments shall be revealed showing the identification of the organization making the adjustments.

- C) For owners that act as the valve repair organization under the provisions of subsection (b)(1)(A) above who are not in possession of a valid "VR" Certificate of Authorization issued by the National Board, the requirements for stamping the ASME Code "V", "UV", "NV" or National Board "VR" mark in Section 9.0 of the National Board Inspection Code, Appendix C-VR shall not apply. All other requirements shall be met.

- 4) Performance Testing

- A) The rules of Appendix C-VR, Section 11.0 of the National Board Inspection Code shall apply, regardless of whether the "VR" stamp will be or has been applied. The exceptions and clarifications of this subsection shall also apply.

- B) The use of calibrated equipment per Section 8.2.1(M) of the National Board Inspection Code, Appendix C-VR, shall be met in Section 11.3(B)(2) of the National Board Inspection Code, Appendix C-VR.

- 5) Organizations that repair pressure relief valves under subsections (b)(1)(B) through (b)(1)(D) above may perform field repairs in accordance with the following requirements.

- A) Qualified technicians in the employ of the repair organization perform such repairs.

- B) Procedures that address field repairs are contained in the



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Quality Control System or Quality Assurance System, as applicable, and are maintained.

- C) All functions affecting the quality of the repaired pressure relief valves are controlled from the location for which the appropriate authorization was issued.
- D) Periodic audits of work carried out in the field are made by quality control personnel of the repair organization to ensure that the requirements of the Quality Control System or Quality Assurance System, as applicable, are met. This audit may include witnessing the test of the field repaired pressure relief valve.

**Section 505.2600 Code Case Applications**

- a) The Department shall act on requests to use ASME Code Cases within 30 days after their receipt. The Department shall approve the use of a Code Case if such use is directly applicable to and consistent with the uses authorized by the ASME Code Case.
- b) The Department shall automatically approve the use of Code Cases to non-ISI boilers or pressure vessels in all cases where such use is approved by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents. The Department shall not approve such use of Code Cases where the use is disapproved by the NRC.
- c) ASME Code Cases approved by the Department for a particular situation rather than for generic use shall be used only for that situation.

**Section 505.2700 Issuance of Permits and Registration of Non-ASME Code Boilers and Pressure Vessels (State Specials)**

- a) For all non-ISI boilers and pressure vessels, the Department shall determine the acceptability of the alternative standards in accordance with this Section.
- b) The Department shall automatically accept alternative construction standards that have been accepted by the NRC and referenced in the nuclear facility's Updated or Final Safety Analysis Report, technical specifications or other licensing documents.
- c) When an owner contends that a boiler or pressure vessel, other than those covered by subsection (b) above, to be installed subsequent to February 7, 1994, was not constructed in accordance with ASME Code standards, the owner may request the Department to issue a permit for the installation of a boiler or pressure vessel not constructed in accordance with the applicable ASME Code.

- 1) The owner shall submit the documentation described in this Section to the Department and obtain a special installation permit.
- 2) The owner shall specify the reasons why the boiler or pressure vessel was not constructed in accordance with ASME Code standards. The owner shall also supply the following information

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to the Department for review and consideration of requests for a special installation permit:

- A) Full details of design and construction showing equivalency to and departures from the ASME Code, including blueprints and material showing details of the construction;
  - B) Data relating to the physical and chemical properties of all materials used in construction;
  - C) Calculations showing how the MAWP was derived;
  - D) An authentic test record for all non-ASME Code materials used in construction; and
  - E) Other data as the owner deems relevant or as the Department may request in order to establish that the boiler or pressure vessel will be capable of operating as safely as one built to ASME Code standards.
- 3) The Department may issue special installation permits to a class of boilers or pressure vessels meeting the above criteria when it deems that the public interest would be best served by application of the class of boilers or pressure vessels rather than individual case-by-case determination.
- 4) The Department may, as a condition to issuance of a special installation permit, require the installation of safety features or prescribed operating procedures for boilers or pressure vessels. The Department will use relevant safety data in determining the need for installation of safety features or operating features.
- 5) If the Department acts to deny a request for special permit, it shall take action under Section 505.84.

- d) Owners shall meet the requirements of Section 505.170 in all cases involving use of alternative standards for the construction of non-ISI boilers or pressure vessels.

**Section 505.2800 Authorized Inspectors**

In order to perform the duties of an Authorized Inspector for non-ISI boilers or pressure vessels at nuclear facilities within the State, an individual shall meet the requirements of Section 505.180.

**Section 505.2900 Authorized Inspection Agencies**

- a) Authorized Inspection Agencies that are insuring a non-ISI boiler or pressure vessel shall immediately notify the Department when such insurance is canceled, not renewed, suspended or otherwise made ineffective because of unsafe conditions.

- b) Organizations seeking to provide inspection services to the requirements of the National Board Inspection Code or the ASME Code, except for Section III and Section XI, shall be subject to the requirements of Section 505.190.

- c) The request for recognition submitted in Section 505.190(b) shall also contain the following information:
  - 1) A statement that the organization meets the



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ASME Code or the National Board Inspection Code requirements for Authorized Inspection Agencies, if any, for the scope of inspection activities.

- d) Organizations that are providing inspection services at nuclear facilities on February 7, 1994 may be reviewed by the Department, after February 7, 1995. Such reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained therein.
- e) An organization that is recognized by the Department under Section 505.130(c) as an Authorized Inspection Agency may be reviewed by the Department either prior or subsequent to recognition. Such reviews shall be for the purpose of verifying that the organization is in compliance with applicable ASME Code Sections or National Board Inspection Code, as applicable, including qualification and duty requirements for Authorized Inspection Agencies contained therein.
- f) The Department shall give 15 days written notice before any reviews are performed under this Section. Reviews shall be performed at the locations where control of Authorized Inspectors occurs or at the organization's home office.

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Clinical Social Work and Social Work Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1470
- 3) Section Numbers: Adopted Action:
- |         |           |
|---------|-----------|
| 1470.5  | Repeal    |
| 1470.7  | Repeal    |
| 1470.20 | Amendment |
| 1470.80 | Amendment |
| 1470.90 | Amendment |
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 6355, 6359, 6361 and 6362 [225 ILCS 20/5, 9, 11 and 12].
- 5) Effective Date of Amendments: **JAN 28 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 25, 1994
- 9) Date Notice of Proposal Published in Illinois Register: June 11, 1993, at 17 Ill. Reg. 8435.
- 10) Has ICAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version:  
The only changes involved punctuation and style.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes, but no agreement letter with ICAR was required since there were no substantive changes.
- 13) Will these Amendments replace an Emergency Amendment currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No

## DEPARTMENT OF PROFESSIONAL REGULATION

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15) Summary and Purpose of Amendments:

This rulemaking updates the rules for the Clinical Social Work and Social Work Practice Act and makes them compatible with the Act. After January 1, 1995, only experience supervised by licensed clinical social workers will be accepted as meeting the professional experience requirement for a person applying for licensure in Illinois as a Licensed Clinical Social Worker. If supervision was in another jurisdiction in which clinical social workers are not licensed, the supervisor shall be engaged in clinical social work and be credentialed at the highest level required by that state. This rulemaking also allows an applicant to contract with a licensed clinical social worker to provide supervision.

The Restoration and Renewal Sections were amended to require any person wishing to restore or renew a license to submit proof of having met continuing education requirements.

Grandfather provisions of the Act have expired, so two related Sections of the rules were repealed.

16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1470

## CLINICAL SOCIAL WORK AND SOCIAL WORK PRACTICE ACT

Section	Grandfather Provisions (Repealed)
1470.5	Temporary License (Repealed)
1470.7	Applications
1470.10	Professional Experience
1470.20	Approved Colleges, Universities, and Graduate Schools of Social Work Programs
1470.30	Employer's Affidavit (Repealed)
1470.40	Admission to Examination (Repealed)
1470.50	Endorsement
1470.60	Examinations
1470.70	Restoration
1470.80	Renewals
1470.90	Continuing Education
1470.95	Granting Variances
1470.100	

**AUTHORITY:** Implementing the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, pars. 6351 through 6387) [225 ILCS 20] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

**SOURCE:** Rules for the Administration of the Social Workers Registration Act, effective November 18, 1971; effective September 25, 1975; amended at 5 Ill. Reg. 946, effective January 15, 1981; codified at 5 Ill. Reg. 11067; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 7 Ill. Reg. 9392, effective July 26, 1983; amended at 10 Ill. Reg. 19093, effective October 28, 1986; amended at 11 Ill. Reg. 9945, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 470 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1470 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2981; emergency amendments at 13 Ill. Reg. 5771, effective April 5, 1989, for maximum of 150 days; amended at 13 Ill. Reg. 13867, effective August 22, 1989; amended at 16 Ill. Reg. 7009, effective April 16, 1992; amended at 18 Ill. Reg. \_\_\_\_\_.

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effective JAN 28 1994

## Section 1470.5 Grandfather Provisions (Repealed)

a) ~~Individuals who were registered and in good standing as of December 31, 1988, under the Social Workers Registration Act (Ill. Rev. Stat. 1987, ch. 111, par. 6301, et seq.) may apply for and receive a license as a Licensed Social Worker as follows:~~

1) ~~Persons who will not be required to take a further examination shall:~~

A) ~~have a master of social work degree from a graduate program of social work approved by the Department in accordance with Section 1470.30 of this Part; or~~

B) ~~have a baccalaureate degree in social work from an undergraduate program approved by the Department in accordance with Section 1470.30 of this Part and have successfully completed at least three (3) years of supervised professional experience in accordance with Section 1470.20 of this Part.~~

2) ~~Persons who do not meet the requirements set forth in subsection (1) above may obtain licensure as a Licensed Social Worker by successfully completing the examination set forth in Section 1470.70 of this Part by June 30, 1990.~~

b) ~~All persons applying under subsection (a)(1) above shall file an application with the Department, on forms provided by the Department, no later than December 31, 1989, which includes the following:~~

1) ~~certification of graduation from a baccalaureate degree program or master's degree program in social work approved by the Department in accordance with Section 1470.30 of this Part;~~

2) ~~verification of completion of 3 years of supervised professional experience as set forth in Section 1470.20 of this Part, if applicable;~~

3) ~~a complete work history since baccalaureate or master's degree education;~~

4) ~~the required fee pursuant to The Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1988 Supp., ch. 111, par. 6351 et seq.) (the "Act") as set forth in Section 13(1) of the Act~~

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e) ~~Persons in subsection (a)(2) above shall apply under Section 1470.10 of this Part~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## Section 1470.7 Temporary License (Repealed)

a) ~~Those individuals applying for a temporary license as a clinical social worker pursuant to the Act shall, in accordance with Section 12 of the Act, file an application with the Department, on form provided by the Department, by December 31, 1990, which includes the following:~~

1) ~~certification of a master's degree or doctoral degree in social work from an approved program of social work in accordance with Section 1470.30 of this Part;~~

2) ~~verification that the applicant has functioned as a Clinical Social Worker or Clinical Social Work Supervisor for at least two (2) of the last five (5) years;~~

A) ~~If the work has been part time, the applicant must have functioned as a clinical social worker or clinical social work supervisor for 3000 hours within the last five (5) years;~~

B) ~~Experience as an instructor of clinical social work at the graduate or doctorate level shall be considered functioning as a clinical social worker;~~

3) ~~a complete work history since receipt of master's or doctorate degree education; and~~

4) ~~the required licensure fee set forth in Section 13(1) of the Act.~~

b) ~~Temporary licenses will expire on December 31, 1991, regardless of when the license was issued.~~

c) ~~Individuals holding a temporary license will be required to pass the examination set forth in Section 1470.70 of this Part by December 31, 1991.~~

d) ~~Upon approval of the temporary license, the applicant will be eligible to sit for the examination set forth in Section 1470.70 of this Part. The applicant shall submit an application form along with the examination fee to the designated testing service pursuant to Section 8(2) of the Act. Upon notification to the Department by the testing service that the applicant has passed the examination and the~~



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~~submission by the applicant of the application form and the required fee set forth in Section 13(1) of the Act, the permanent Clinical Social Worker license set forth in Section 1470.30 of this Part will be issued.~~

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## Section 1470.20 Professional Experience

a) Persons applying for licensure as a Licensed Clinical Social Worker, ~~except for these individuals applying under the temporary clinical social worker provisions set forth in Section 1470.7 of this Part,~~ shall be required to complete supervised professional experience pursuant to Section 9 of the Act as follows:

- 1) persons holding a master's degree in social work shall have completed 3000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 2) persons holding a doctorate degree in social work shall have completed 2000 hours of satisfactory, supervised clinical professional experience subsequent to the receipt of the degree;
- 3) the specified number of hours may have been obtained in the following increments:
  - A) for full-time experience a minimum of 30 hours per week but not more than 40 hours per week.
  - B) for part-time experience a minimum of 15 hours per week but not more than 29 hours per week.
- 4) ~~For purposes of this subsection,~~ supervised experience shall be experience directly related to clinical social work practice as defined in Section 3(5) of the Act.

A) The supervisor shall have met with the applicant at least one hour each week to discuss client cases and treatment procedures.

B) Until December 31, 1994, the supervisor shall have been a certified social worker registered under the Social Workers Registration Act with clinical experience, a licensed clinical social worker, a diplomate in clinical social work, a designated member of the Academy of Certified

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Social Workers (ACSW), a Board certified psychiatrist, a licensed clinical psychologist, a supervisor from another state who is a clinical professional credentialed at the highest level required by that state or other appropriate clinical supervisor as approved by the Social Work Examining and Disciplinary Board (the "Board"). In determining other appropriate supervisors, the Board shall consider, but not be limited to, the following: unavailability of a person licensed under the Act, the setting in which the supervision took place, and the credentials and job responsibilities of the supervisor.

C) After January 1, 1995, only experience supervised by a licensed clinical social worker will be acceptable to meet the professional experience requirement. If supervision was in another jurisdiction in which clinical social workers are not licensed, the supervisor shall be engaged in clinical social work and be credentialed at the highest level required by that state.

E D) The experience shall have been evaluated by the supervisor as satisfactory.

E) An applicant may contract with a licensed clinical social worker to provide supervision

b) Persons applying for Licensed Social Worker who have a baccalaureate degree in social work shall complete three (3) years of supervised professional experience subsequent to obtaining the baccalaureate degree. For purposes of this subsection, supervised professional experience is that experience directly related to social work as defined in Section 3(9) of the Act. The experience shall be:

1) obtained under the direct supervision of a certified social worker registered under the Social Workers Registration Act, licensed clinical social worker, licensed social worker, diplomate in clinical social work, designated member of ACSW or other appropriate supervisor as approved by the Board.

2) satisfactory as evaluated by the supervisor. The supervisor shall have met with the individual at least one hour each week.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

Section 1470.80 Restoration

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- a). A licensee seeking restoration of his license (Licensed Clinical Social Worker or Licensed Social Worker) which has been on inactive status for less than 5 years shall have his license restored by making application to the Department and by paying the current renewal fee set forth in Section 13(3) of the Act. After November 30, 1993, a licensee seeking restoration of a license shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.
- b) A licensee seeking restoration of his license (Licensed Clinical Social Worker or Licensed Social Worker) which has been expired for less than 5 years shall have his license restored by making application to the Department and paying \$20 plus all lapsed renewal fees pursuant to Section 13 of the Act. After November 30, 1993, a licensee seeking restoration of a license shall be required to submit proof of 30 hours of continuing education in accordance with Section 1470.95. These CE hours shall be earned within the 2 years immediately preceding the restoration of the license.
- c) A licensee seeking restoration of his license (Licensed Clinical Social Worker or Licensed Social Worker) after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 11 of the Act. If application is made within two years of discharge and if all other provisions of Section 11 of the Act are satisfied, the licensee will not be required to pay a restoration fee or any lapsed renewal fees; or
  - 3) Proof of passage of the examination described in Section 1470.70 of this Part within the twelve months preceding application; and
  - 4) The required fees pursuant to Section 13 of the Act.
- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is ~~reasonably~~ questioned by the Department because of discrepancies or conflicts in information, information needing further

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clarification, and/or missing information, the licensee seeking restoration of his/her license (Licensed Clinical Social Worker or Licensed Social Worker) will be required to:

- 1) provide such information as may be necessary; and/or
- 2) appear for an interview before the Board to explain such relevance or sufficiency, clarify information given or clear up any discrepancies in information. ~~explain the relevance or sufficiency of the submitted documentation during an oral interview; or~~
- 3) ~~appear for additional oral interview(s) before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, an applicant shall have his license restored.~~

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## Section 1470.90 Renewals

- a) Every license issued under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee set forth in Section 13(3) of the Act and complying with the continuing education requirements set forth in Section 1470.95 of this Part.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Real Estate Appraiser Certification
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3) Section Numbers: Adopted Action:

1455.15	Amendment
1455.30	Amendment
1455.200	Amendment
1455.205	New Section
1455.210	Amendment
1455.300	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 5836.5, 5836.12 and 5836.17 [225 ILCS 455/36.5, .12 and .17].
- 5) Effective Date of Rules: **JAN 28 1994**
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? Yes, Section 1455.15, pertaining to Uniform Standards of Professional Appraisal Practice, is updated to 1994.
- 8) Date Filed in Agency's Principal Office: January 21, 1994
- 9) Date Notice of Proposal Published in Illinois Register: October 8, 1993, at 17 Ill. Reg. 16379.
- 10) Has ICAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version:

In Section 1455.15(a), the incorporation by reference of the Uniform Standards of Professional Appraisal Practice (USPAP) was updated to cite the 1994 publication instead of the 1992 version. There were no other substantive changes. Style and grammar changes were made in response to comments by the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the Agency and ICAR been made as indicated in the agreement letter issued by ICAR? ICAR did not need to issue an agreement

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letter.

- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rulemaking implements Section 36.17 of the Real Estate License Act of 1983 which requires real estate appraisers to obtain 20 hours of continuing education (CE) before renewing their two-year licenses or certificates. Changes also are adopted for two Sections where problems have occurred since rules for appraisers were first adopted on September 30, 1992.
 

Details are provided on how appraisers may obtain the required CE during a two-year pre-renewal period. A pre-renewal period is defined as the 24 months preceding September 30 in the year of the renewal, except for the first pre-renewal period which shall be June 1, 1993, through September 30, 1995.

Provisions are made to allow licensed appraisal education providers to utilize sub-organizations (such as chapters, branch schools and associations) as continuing education sub-providers. The fee Section of the rules for education providers and courses is amended to provide for renewal of licenses that have expired.

The renewals Section has been amended to provide for a penalty fee of \$20 for renewal of an expired license or certification.

Numerous style and form changes also were made.
- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62780  
 217/786-0800 Fax 217/786-7045

The full text of the Adopted Amendments begins on the next page.



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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455  
 REAL ESTATE APPRAISER CERTIFICATION

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

Section

1455.10

1455.15

1455.20

1455.30

1455.40

1455.50

1455.60

1455.70

Definitions

Uniform Standards of Professional Appraisal Practice

Education and Experience Requirements for State Licensed Real Estate Appraiser

Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

Application as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser

Examination

Nonresident Licensure/Certification

Nonresident/Temporary Practice

## SUBPART B: EDUCATION PROVIDERS

Section

1455.200

1455.205

1455.210

Approval of Education Providers/Courses

Appraiser Continuing Education (CE)

Fees - Education Providers/Courses

## SUBPART C: GENERAL

Section

1455.300

1455.310

Renewals

Granting Variances

AUTHORITY: Implementing Article 2 of the Real Estate License Act of 1983 (Ill. Rev. Stat. 1991, ch. 111, par. 5836.01 through .25; see Public Act 87-1193, effective September 24, 1992) [225 ILCS 455/36] and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 60(7)) [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993;

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emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

JAN 28 1994

## SUBPART A: RESIDENTIAL AND GENERAL CERTIFICATION

## Section 1455.15 Uniform Standards of Professional Appraisal Practice

a) The Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Standards Board of the Appraisal Foundation, 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, 1992, 1994 are hereby incorporated by reference.

b) Real Estate Appraisers licensed/certified under the Act shall practice in accordance with USPAP standards.

c) A copy of this publication is available at cost from the Real Estate Appraisal Administrator's office, Department of Professional Regulation, located at 320 West Washington, Springfield, Illinois 62786

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ JAN 28 1994)

Section 1455.30 Education and Experience Requirements for Certified Residential and Certified General Real Estate Appraiser

An applicant for certification as a Certified Residential or Certified General Real Estate Appraiser shall meet the following education and experience requirements:

a) Education. A total of 105 hours for Certified Residential Real Estate Appraiser and 165 hours for Certified General Real Estate Appraiser are required. The courses must be real estate appraisal courses recommended by the Committee and approved by the Department. For Certified Residential, a specific hour requirement is mandatory in each of 4 curricula. For Certified General, a specific hour requirement is mandatory in each of 5 curricula.

1) Courses approved for Certified Residential Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:

A) Standards of Professional Appraisal Practice--15 hours (IL I).

B) Basic Principles of Appraisal--30 hours (IL II).

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- C) Valuation Procedures for Residential Property--30 hours (IL III).
- D) Elective Courses--30 hours (IL E).
  - i) Hours that have been approved in excess of the curriculum requirement, for courses approved in curricula IL I, IL II and IL III, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
  - ii) Coursework in the IL IV and IL V curricula will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 2) Courses approved for Certified General Appraiser will be assigned to an IL curriculum as set forth in Section 1455.200(b), and classroom hours must be achieved as follows:
  - A) Standards of Professional Practice--15 hours (IL I).
  - B) Basic Principles of Appraisal--30 hours (IL II).
  - C) Valuation Procedures for Nonresidential Property--30 hours (IL IV).
  - D) Income Approach, Capitalization--30 hours (IL V).
  - E) Elective Courses--60 hours (IL E).
    - i) Hours that have been approved in excess of the requirement, for courses approved in curricula IL I, IL II, ~~IL III~~, IL IV and IL V, will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
    - ii) Coursework in the IL III curriculum will be credited as electives; however, repetitious coursework in the same curriculum will not be credited.
- 3) Courses completed prior to January 1, 1993.

- A) Courses shall be accepted by the Department, upon review and approval of the Committee prior to January 1, 1993, if they are substantially equivalent to the curricula in Section 1455.200. In determining substantial equivalence, the Committee shall compare the content of

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- each course submitted to the topic requirements as set forth in Section 1455.200.
- B) The Director shall approve real estate appraisal courses, upon recommendation by the Committee, with or without a final examination and whether or not the provider was approved by the Department.
- C) Education credit may be earned by an applicant who successfully completes the examination(s) for approved course(s) set forth in subsection (a) above even though the applicant did not participate in the classroom portion of the instruction.
- 4) All courses completed after January 1, 1993, shall be from courses and course providers approved licensed by the Department in accordance with Section 1455.200. Credit will be earned only after course attendance and successful completion of an examination.
- 5) Education credit may be earned by teaching courses approved by the Department. To obtain education credit for teaching, the applicant shall provide verification from the education provider of the time period of employment and the course name.
  - A) One hour of education credit for every one hour of classroom instruction shall be awarded.
  - B) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations.)
  - C) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
- b) Experience. Two years of appraisal experience is required for an applicant to be eligible to sit for the examination. Experience shall be earned in the following manner:
  - 1) One year is defined as 1,000 hours and 12 months (2 years equal 2,000 hours and 24 months). A maximum of 1,000 hours of credit may be earned by the applicant in any calendar year; however, a minimum of 24 months of experience is required.

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- 2) The 2,000 hour experience requirement may be awarded from approved experience which shall include fee appraisal, staff appraisal, mass appraisal, ad valorem tax appraisal, mass ad valorem appraisal, review appraisal or appraisal analysis, highest and best use analysis, feasibility analysis or study, real estate sales and brokerage, real estate counseling, real property management, teaching of Department approved appraisal courses and authorship pertaining to real estate appraisal or related subjects.
- 3) For Certified Residential, a minimum of 50% of the requirement must be experience relating to residential property. For Certified General, a minimum of 50% of the requirement must be experience relating to nonresidential property. Hours shall be awarded for various types of appraisal and other experience as follows:

- A) 20 hours for apartment property with 5-24 units.
- B) 40 hours for apartment property with more than 24 units.
- C) 20 hours for vacant land zoned for business, commercial, industrial; planned unit development, multiple family, single family which will accommodate more than one unit; and agriculture.
- D) 20 hours for industrial property with buildings up to and including 25,000 square feet.
- E) 40 hours for industrial property with buildings over 25,000 square feet.
- F) 20 hours for office space up to and including 10,000 square feet.
- G) 40 hours for office space over 10,000 square feet.
- H) 20 hours for retail space up to and including 10,000 square feet.
- I) 40 hours for retail space over 10,000 square feet.
- J) 40 hours for specialized or special use property appraisals.
- K) 40 hours for operating or specialized agriculture property.
- L) 10 hours for single family residential property.
- M) 15 hours for 2, 3 and 4 unit residential property.

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- N) 5 hours for vacant residential land.
- O) Additional hours may be credited for appraisals. Experience hours listed in A through N are considered typical. If an applicant feels more hours should be awarded for an appraisal, he/she must list the hours requested and attach a written justification to the appraisal log. The Department will consider the additional hours based upon the applicant justification statement and may request a photocopy of the appraisal(s) to assist in the decision. Experience credit will be awarded on time spent in the development of the appraisal and preparation of the report. Travel time will not be considered.
- P) Teaching Experience. Credit for teaching of Department approved appraisal courses shall not exceed 400 hours.
  - i) To obtain credit for teaching experience, the applicant shall provide verification from the education provider of the time period of such employment and the course name;
  - ii) Two hours of experience credit for every hour in the classroom shall be awarded (up to 400 hours) upon approval of the experience by the Committee.
  - iii) Education credit for teaching shall be awarded for only one presentation from each curriculum IL I, IL II, IL III, IL IV and IL V; however, credit will be given for presentation of two 15 hour courses in curriculum IL II, IL III, IL IV and IL V. (Credit shall not be allowed for repetitious presentations).
  - iv) Education credit for teaching shall be awarded for one presentation of each different course in IL E curriculum.
  - v) An applicant may not earn both education and experience credit for teaching the same course.
- Q) Authorship. Credit for authorship of appraisal or appraisal related material shall not exceed 200 hours. The applicant shall submit to the Department at the time of application, a copy of the article, textbook or other published material and a statement indicating the amount of time spent in preparing these materials. The Department will evaluate the material and may award experience credit based upon its judgment as to the contribution of skill or knowledge to the applicant or appraisal



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industry.

- R) Real Estate Sales and Brokerage experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- S) Real Estate Counseling experience shall be accepted if it meets USPAP Standards 4 and 5. The experience will be awarded in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- T) Real Property Management experience shall be accepted if the experience is directly related to performing or reviewing appraisals, in accordance with Section 1455.30(b)(3) through (6) and Section 1455.40(a)(2).
- U) Experience for mass appraisal, ad valorem tax appraisal and mass ad valorem appraisal shall be documented by the applicant's affidavit detailing the experience credit being requested; shall be certified by the assessment official in accordance with Section 36.11(b), Article 2, of the Act; and reported to the Department in accordance with Section 1455.40(a)(2)(B).

4) Field and review appraisals conducted prior to January 1, 1992, shall:

- A) Identify and describe the real estate being appraised;
- B) Contain an indication of highest and best use (analysis);
- C) Identify the real property interests being appraised;
- D) Contain a definition of the value being estimated;
- E) Set forth the effective date of the value estimate and the date of the appraisal report;
- F) Set forth all assumptions and limiting conditions that affect the analyses, opinions and conclusions;
- G) Set forth (in the report or file memorandum) the appraisal procedures followed and the reasoning that supports the analysis, opinions and conclusions.

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- H) Include the signature of the individual responsible for the analysis, opinions and conclusions contained in the report. The applicant seeking experience credit shall have signed the report or shall be listed in the report as an individual who provided a significant contribution. An affidavit of significant contribution shall be considered by the Department if it is signed by the appraiser who signed the report or by an official of the organization, government, firm or other entity who was responsible for causing the appraisal to be prepared.
- 5) Mass appraisal projects completed prior to January 1, 1992, shall have been performed by application of mass appraisal methods and techniques deemed professionally appropriate at the time the project was undertaken. In evaluating the mass appraisal experience, the Department will consider methods and techniques employed relative to Standard 6 of USPAP and the participation in the mass appraisal project by the applicant.
- 6) Appraisals of all types prepared after January 1, 1992, must conform to the standards set forth in USPAP that were in effect on the date the appraisal was signed.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## SUBPART B: EDUCATION PROVIDERS

## Section 1455.200 Approval of Education Providers/Courses

- a) An entity seeking approval as an appraisal education provider shall submit an application, on forms provided by the Department, and shall meet the following minimum criteria:
  - 1) The provider shall
    - A) Maintain a fixed office that is adequate for the maintenance of all records, office equipment, files, telephone equipment and office space necessary for customer service
    - B) Offer a minimum of one curriculum that conforms to the standards of subsections ~~(b)~~ below (c) and (d) of this Section;
    - C) Administer a mandatory final examination for each pre-license course offering.

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- D) Provide each student within 21 days of completion of each course (or within 21 days of a request by a student or the Department) a certification of completion, transcript or other document verifying hours of attendance, successful course completion and identifying the course by name and number, if any. In addition, such certificate, transcript or other document shall indicate the provider's address and telephone number, the location and date of the course, and include an authorized signature of the course provider's representative. Documentation for CE courses may be in the form of a Uniform Request for Continuing Education, which is a form supplied by national appraisal organizations;
- E) Submit the fee(s) set forth in Section 1455.210;
- F) The premises, equipment and facilities of the course site shall comply with all applicable fire, building, zoning, health, safety and accessibility codes and standards pertaining to the premises, equipment and facilities of the course site;
- G) ~~Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study has been approved by the Department;~~
- H) ~~The course provider shall provide~~ Provide the student with information which specifies the course of study to be offered; the tuition to be charged; the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship; any additional fee to be charged for supplies, materials or books which become the property of the student upon payment; and such other matters as are material to the relationship between the school and the student (e.g., cost of retaking a course, current status of licensure, any disciplinary action taken by the Department, attendance requirements); and
- I) ~~Each course provider shall maintain~~ Maintain for each student a record which shall include the course of instruction undertaken, dates of attendance, and areas of study completed satisfactorily. Each student's record shall be maintained by the school for a period of at least 5 years and shall be available for inspection by the student or by the Department or its designee during regular business hours; and
- J) ~~The approved provider should employ~~ Employ competent instructors

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- ~~who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.~~
- i) Beginning December 31, 1993, instructors for courses in the IL IV and IL V curricula shall be Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
- ii) Beginning December 31, 1993, instructors for courses in the IL I, IL II and IL III curricula shall be Certified Residential or Certified General Real Estate Appraisers or full time faculty members of a 4-year college or university.
- iii) For CE courses and courses in the IL E curriculum, instructors should be Certified Residential or General Real Estate Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.
- 2) Approved course providers shall not advertise as being endorsed, recommended or accredited by the Department. Course providers may indicate that the provider and course of study have been approved by the Department.
- 3) Colleges and Universities
- A) Colleges and universities which apply as appraisal education providers under subsection (a)(1) above shall be accredited by the regional accrediting body and offer either or both an associate's and baccalaureate degree program.
- B) Colleges and universities will not be required to pay the application fees required by Section 1455.210.
- C) ~~The approved provider colleges/universities should employ instructors who are Certified Residential/General Appraisers or persons with education and/or experience in appraisal or the subject matter of the course.~~
- b) Appraisal Education Sub-Providers
- 1) Sub-organizations (such as chapters, branch schools and local associations) may seek CE course approval (licensure) under the appraisal education

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provider's license of the parent organization. Such sub-providers may not seek approval for pre-license appraisal courses. Sub-providers may offer pre-license courses as a co-sponsor with the parent provider.

- 2) Sub-organizations need not apply to the Department to become an approved CE course provider but may seek course approval under the providership of the parent organization.

A) A sub-provider need not comply with (A), (C), (D) or (H) of subsection (a)(1) of this Section.

B) The license of the parent organization may not be jeopardized or disciplined as a result of the actions of the sub-provider.

- 3) The appraisal education sub-provider, on each application for CE course approval, must certify:

A) The sub-organization has reviewed the CE course and approves the course content;

B) The sub-organization is an authorized affiliate of the parent organization;

C) The parent organization has given the sub-organization permission to seek course approval (licensure) under the umbrella of the parent organization's provider's license; or, that the parent organization will recognize the course for CE credit within its own CE program.

- 4) Each CE course sub-provider shall issue to each registered student a certificate of attendance that shall indicate the student's name, social security number or appraiser license/certification number, the date(s) and location of the course, the signature of an authorized representative of the sub-provider and a statement that the student did or did not attend a minimum of 90% of the course. A certificate of attendance may be in the form of a course attendance diploma, a certification letter, an official transcript or a "Uniform Request for Continuing Education Credit"

- 5) Within twenty-one (21) days of completion of each CE course presentation, the sub-provider shall certify to the Department, Office of the Appraisal Administrator, a roster of all duly registered students. The certification shall be on forms provided by the Department and shall include:

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A) The CE course license number;

B) The license number of the parent provider;

C) The date(s) and location of the CE presentation;

D) The name of the instructor(s);

E) A listing of students by full name, appraiser license/certification number (or social security number) and an indication that the student did or did not attend a minimum of 90% of the course (the names shall be listed in alphabetical order); and

F) The authorized signature of a representative of the sub-organization.

- b) c) Required Pre-License Certification Course Curriculum

- 1) Standards of Professional Appraisal Practice--15 hours (IL I). This course curriculum reviews USPAP adopted by the Appraisal Subcommittee. Topics are:

- A) Ethics Provision - USPAP
- B) Competency Provision - USPAP
- C) Departure Provision - USPAP
- D) Standard 1 - USPAP
- E) Standard 2 - USPAP
- F) Standard 3 - USPAP
- G) Standard 4 - USPAP
- H) Standard 5 - USPAP
- I) Standard 6 - USPAP

- 2) Basic Principles of Appraisal 30 hours (IL II). This course curriculum shall include an overview of the appraisal process covering the principles of market and valuation analysis necessary for appraising real property and an introduction to appraisal theory, concepts, techniques and the level of competence required to perform professional appraisal analyses. Topics are:

- A) Influences on Real Estate
- B) Real Estate Real Property Personal Property
- C) Real Estate Ownership
- D) Legal Descriptions
- E) Types of Value



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- F) Economic Principles
- G) Real Estate Markets and Market Analysis
- H) Money and Capital Markets
- I) Real Estate Financing
- J) Valuation Process
- K) Neighborhood Data and Analysis
- L) Site Data and Analysis
- M) Improvement Data and Analysis
- N) Basic Construction and Design
- O) Highest and Best Use Analysis
- P) Sources of Valuation Data
- Q) Accumulation of Valuation Data
- R) Overview of the Three Approaches to Value
- S) Reconciliation and Final Value Estimate
- T) Overview of the Appraisal Report

- 3) Residential Valuation Procedures/Single Family Appraisal--30 hours (IL III). This course curriculum shall be designed to provide an understanding and working knowledge of the procedures and techniques required to estimate the market value of residential properties. Emphasis should be placed on the extraction of data and the correct application of the three approaches to real estate valuation. Topics are:

- A) Basic Statistics
- B) Residential Site Valuation - Sales Comparison
- C) Residential Site Valuation - Allocation
- D) Residential Site Valuation - Extraction
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Capitalization Approach - Gross Rent Estimates
- R) Income Capitalization Approach - Gross Rent Multiplier
- S) Income Capitalization Approach - Application

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- T) Residential Appraisal Reports

- 4) Valuation Procedures, Nonresidential Properties--30 hours (IL IV). This course curriculum focuses on the appraisal of nonresidential properties and provides a practical solution for estimating value by an in-depth study of appraisal theory and the development of advanced valuation skills. Topics are:

- A) Basic Statistics
- B) Site Valuation - Sales Comparison
- C) Site Valuation - Allocation/Extraction
- D) Site Valuation - Subdivision Analysis/Other Methods
- E) Cost Approach - Cost New Estimates
- F) Cost Approach - Entrepreneurial Profit
- G) Cost Approach - Types of Depreciation
- H) Cost Approach - Depreciation - Age-Life Method
- I) Cost Approach - Depreciation - Market Extraction Method
- J) Cost Approach - Depreciation - Breakdown Method
- K) Cost Approach - Application
- L) Sales Comparison Approach - Units of Comparison
- M) Sales Comparison Approach - Elements of Comparison
- N) Sales Comparison Approach - Cash Equivalency
- O) Sales Comparison Approach - Making Adjustments
- P) Sales Comparison Approach - Application
- Q) Income Approach - Income Estimates
- R) Income Approach - Expense Estimates
- S) Income Approach - Capitalization Rates
- T) Income Approach - Direct Capitalization
- U) Income Approach - Income Multipliers
- V) Income Approach - Application
- W) Appraisal Reports

- 5) Income Capitalization--30 hours (IL V). Courses in this curriculum are to provide alternative methods of estimating present value based on income forecasts. These courses focus on more advanced capitalization methods and techniques. Topics include:

- A) Six Functions of \$1
- B) Gross Income Estimates
- C) Vacancy and Collection Loss
- D) Operating Expense Estimates
- E) Reserves for Replacement

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- F) Operating Statement Ratios and Multipliers
- G) Debt Service/Equity Dividend
- H) Direct Capitalization
- I) Overall Rate Development - Market Extraction
- J) Overall Rate Development - Band of Investment
- K) Overall Rate Development - Ratios/Multipliers
- L) Overall Rate Development - Residual Techniques
- M) Equity Dividend Rate
- N) Debt Coverage Ratio
- O) Cash Flow Estimates
- P) Reversion Estimates
- Q) Discount and Yield Rates
- R) Yield Capitalization Overview
- S) Discounted Cash Flow Analysis Overview
- T) Lease Provisions, Analysis and Valuation
- U) Lease Analysis
- V) Partial Interest Valuation

6) Courses in the IL E curriculum (electives) are courses with topics that are considered more advanced; and/or cover appraisal topics not covered in the core course curricula. Credit for elective hours can be achieved by successful completion of courses approved in the IL E curriculum or by successful completion of courses with excess hours approved and allocated for elective credit in accordance with subsection (9) of this Section.

7) Each pre-license/certification course shall be a minimum of 15 credit hours.

8) All pre-license/certification courses shall include a final examination.

A) Each final exam for curricula IL II, IL III, IL IV, IL V and IL E (elective) courses shall consist of a minimum of 50 questions; however, courses approved for 15 hours credit may have a final examination with 25 questions. ~~(25 questions per each 15 hours of instruction)~~

B) The final exam for IL I category courses shall consist of a minimum of 25 questions.

C) The applicant shall pass the examination in order to obtain credit for a course. A passing score shall be a minimum of 70% of examination questions answered correctly

9) If 80% of the required topics for IL II through IL V courses are presented, the

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course shall be approved for the minimum required hours. Two 15 hour courses from a single provider may be approved to meet a 30 hour curriculum requirement, provided the courses together cover a minimum of 80% of the required curriculum topics. An application for one 15 hour course in a curriculum requiring 30 hours will be denied. If 40% of the required topics are presented, the course shall be approved for 1/2 the minimum hours. For courses in the IL I curriculum 100% of the listed topics must be covered. IL E courses will be approved based upon the Committee's review of the course as to the value of topics to be presented and their relationship to the appraisal process.

A) Classroom hours in excess of the curriculum requirement may be approved for elective credit. Such approval is limited to 9 excess hours for courses in a 30 hour curriculum requirement and 5 excess hours for courses in a 15 hour curriculum requirement.

B) Excess hours may be approved, within the above limits based upon the Committee's evaluation of the appraisal educational value of the excess hours.

10) All changes in course content shall be submitted to the Department for review and evaluation

11) The license for all pre-license/certification ~~all~~ courses ~~offered by an approved provider~~ shall expire 36 months from the date of issue. An approved provider may renew the course approval by filing a new application in accordance with the provisions of this Section, ~~be submitted to the Department for reevaluation every 3 years from date of approval~~ ~~approved~~ along with the ~~300 per course approved fee set forth in Section 14-5.240(e)~~. The new application should be filed 60 days prior to the expiration of the license.

d) CE Course Requirement

1) Courses licensed by the Department for pre-license/certification appraisal education are approved for CE credit. The renewal applicant will be awarded credit for attending ~~all~~ those courses provided the license for the course was valid and in good standing at the time of attendance, and provided the course is not repetitious as indicated by Section 14-5.205. CE credit for pre-license education will be awarded as 15 hours for 15 hour courses and 20 hours for 30 (or more) hour courses.

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- 2) CE courses shall be approved by the Appraisal Administrator, upon the recommendation of the Committee, for courses with or without a final examination.
- 3) The application for each course approval shall include a description of the course, a course (or instructor's) outline that shall list the time frame for topic presentation, the number of classroom instruction hours excluding examination, the time allotted for examination (if any), the specific course name as it will appear on transcripts or course certifications, a sample of the certificate, the transcript or other documentation that will be used to document the student's attendance and any other information that may be required by the Department.
- A) An applicant may be required to submit texts and all other course materials for evaluation by the Appraisal Committee.
- B) The application for CE courses being offered by a sub-provider shall also include a certification in accordance with subsection (b)(3) of this Section.
- 4) The Committee/Administrator shall approve courses that would contribute to the integrity, extension and enhancement of professional skills and knowledge in the practice of Real Estate Appraisal. Courses submitted for approval should be designed to cover at least one of the following topics:
- A) Ad Valorem Taxation
  - B) Arbitration
  - C) Business Courses (related to practice of real estate appraisal)
  - D) Construction Cost Estimating
  - E) Ethics and Standards of Professional Practice
  - F) Illinois Appraiser Licensing Laws and/or Rules
  - G) Land Use, Planning, and Zoning
  - H) Property Development
  - I) Real Estate Appraisal (valuation/evaluation)
  - J) Real Estate Management, Leasing, Brokerage, Timeshare
  - K) Real Estate Law
  - L) Real Estate Litigation
  - M) Real Estate Finance or Investment
  - N) Appraisal Computer Applications
  - O) Real Estate Securities and Syndications
  - P) Real Property Exchange
  - Q) Other topics deemed appropriate by the Committee/Administrator.

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- 5) The Committee/Administrator shall not approve:
- A) Motivation courses or seminars
  - B) Courses that focus instruction to increase appraiser income
  - C) Courses or seminars that focus on the recruitment of employees or clients
  - D) Courses or seminars with instructional material relative to associations
  - E) Courses or seminars with instructional material relative to passing the State's appraiser examination
  - F) Having less than three classroom hours of instruction exclusive of examination (if any)
  - G) A course for more than 20 hours CE credit.
- 6) Subsequent to approval of any CE course, revisions in course content and/or course material shall be submitted for re-evaluation and re-approval. Failure to report course changes may result in revocation of the CE course license. The fee for re-approval shall be in accordance with Section 1455.210.
- 7) Approval (license) for CE courses shall expire on December 31 of even numbered years. The provider or sub-provider may renew the approval (license) by filing a new application in accordance with the provisions of this Section.
- e) Audits and Inspections. The Department may conduct on site inspections of the course provider's (or sub-provider's) place of business and may audit any session of any course approved for pre-license or CE credit.
- 1) At the request of the Appraisal Administrator, a course provider shall provide a list of all courses that the provider is planning to offer within a 6 month period subsequent to the request. The list shall include the name and license number of each course, as well as the date, time and location of each presentation.
- 2) In the event of a course audit, the provider shall provide the Department representative, at no cost, any and all course materials used in the presentation of the course being audited.



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- 3) The Appraisal Administrator, a member of Administrator's staff, an Appraisal committee member or other designated Department employee may inspect the business office of any course provider (or sub-provider) during normal business hours.

e) D Withdrawal of Approval

- 1) The Department, upon recommendation of the Real Estate Appraisal Committee, shall withdraw, suspend or place on probation in accordance with 68 Ill. Adm. Code 1110 the approval of the real estate appraiser education provider when the quality of the program fails to continue to meet the established criteria of an approved provider as set out in this Section or upon determination that the decision to approve the program was based upon false or deceptive information.

- 2) Approval will terminate immediately upon failure to renew. The provider may thereafter reapply for approval as an education provider. The provider's license will terminate immediately upon the failure to renew. Course licenses will terminate upon the expiration date or immediately upon the termination of the provider's license. The provider may thereafter reapply for approval as an appraiser education provider and for course approval.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994 )

Section 1455.205 Appraiser Continuing Education (CE)

- a) State Licensed, Certified Residential or Certified General Real Estate Appraisers shall obtain, during the pre-renewal period, a minimum of 20 hours of continuing education (CE) by attending Department licensed CE appraiser courses or Department approved pre-licensing appraiser courses.

- 1) Only one-time credit will be awarded for repetitious course work (i.e., credit will be given only once for a course attended more than once during the same pre-renewal period).

- 2) A minimum of 7 hours of continuing education pertaining to USPAP shall be completed during 3 pre-renewal periods.

- 3) A pre-renewal period is the 24 months preceding September 30 in the year of the renewal; except for the first pre-renewal period which shall be June 1, 1993, through September 30, 1995.

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- 4) CE credit will be awarded to appraisers attending a course with an examination, even though the appraiser did not participate in the examination or did not successfully complete the examination.

- 5) An applicant for renewal is not required to meet CE requirements for a license or certification issued less than 24 months prior to its expiration.

- 6) Real estate appraisers licensed or certified in Illinois but residing in another state or jurisdiction shall comply with the CE requirements set forth in this Section.

- 7) In lieu of meeting the CE requirement by attending Department approved courses, all or any part of the CE requirement may be satisfied by:

- A) Teaching courses approved by the Committee/Department for CE credit. The instructor will be awarded CE credit for the number of hours for which the course is approved for CE.

- i) CE credit will be awarded only once for teaching a course. Credit is only applicable to the renewal following the pre-renewal period in which the course was taught.

- ii) Upon audit, the renewal applicant must provide course documentation from the course provider indicating the course name, Illinois license number, dates and location that the applicant served as an instructor, or any other documentation requested by the Department in the course of the audit.

- B) Participating in the development of a course(s) approved by the Department upon recommendation of the Committee for CE credit.

- i) CE credit will be awarded only once for development of a course. Credit is only applicable to the renewal following the pre-renewal period in which the course was developed.

- ii) Upon audit, an applicant shall provide proof of participation in the development of a course. Proof shall be in the form of certification from the course provider as to the course name and the degree of the applicant's participation in development, or any other documentation requested by the Department in the course of the audit.

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b) Certification of Compliance with CE Requirements

- 1) With application for renewal (of any appraiser license/certification, issued 24 months or more prior to its expiration), the applicant shall certify full compliance with the CE requirements set forth in subsection (a) of this Section. The certification shall be on forms provided by the Department that will include spaces for listing course names, the dates of attendance, the classroom hours, the provider's name, the Illinois CE course license number or any other information which the Department requests. In addition, the certification shall contain a statement that the renewal applicant was in attendance for a minimum of 90% of the course and that he/she understands discipline consequences of providing false CE information. The renewal application may require other information to be provided by the applicant to enable proper administration of Article 2 of the Act.

- 2) The license/certification of an applicant not submitting a CE certification of full CE compliance will not be renewed.

c) Audits and Inspections

- 1) The Department may audit CE certifications received from renewal applicants.
- 2) The Department will conduct random audits of certifications submitted by appraiser applicants. When audited, the applicant shall submit documentation of attendance at CE courses such as certification letters, transcripts and Uniform Request for Continuing Education Credit, from the course provider (or sub-provider) or any other documentation requested by the Department. Such documentation shall be submitted within 30 days of the Department's request.

(Source: Added at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## Section 1455.210 Fees - Education Providers/Courses

a) Application Fees for Appraiser Education Providers

- a) 1) The fee for application as a real estate appraiser education provider shall be \$1000, plus \$500 per course approval fees set forth in subsection (b) below, which is are non-refundable.
- b) 2) The fee for renewal of an approved real estate appraiser education provider

## DEPARTMENT OF PROFESSIONAL REGULATION

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shall be \$500 per year which is non-refundable.

- A) The fee to renew an appraiser education provider license that has expired for less than 60 days shall be \$500 plus a penalty of \$100.
- B) An appraiser education provider's license that has expired for more than 60 days may not be renewed. The provider may reapply for licensure in accordance with Section 1455.200.

b) Application Fees for Pre-license/certification and CE Course Approval

- e) ~~The fee for adding a course pursuant to Section 1455.200 shall be \$500.~~
- e) 1) The application fee for reevaluation of a pre-license/certification appraisal course shall be \$500 and each approved course must be re-evaluated and re-approved every 3 years.

- 2) The application fee for CE course approval shall be \$300 and each course must be re-evaluated prior to its expiration date, which is March 31 of even numbered years. A course meeting the requirements of a pre-license/certification course as set forth in Section 1455.200(c)(1) through (5) will be denied licensure as a CE course; however, such course may be approved by application for approval as a pre-license/certification course and payment of the appropriate fee.

- 3) The fee for evaluation of revisions to approved courses shall be \$200 for pre-license/certification courses and \$75 for CE courses.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994)

## SUBPART C: GENERAL

## Section 1455.300 Renewals

- a) Every license or certificate issued under the Act as a State Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser or Certified General Real Estate Appraiser shall expire on September 30 of each odd-numbered year. The holder of a license or certification may renew the license or certification during the month preceding the expiration date by paying the required fee specified in Section 36.6 of the Act. A penalty fee of \$20 shall be charged for renewal of an expired license or certification.

- b) 1) In order to renew a license or certification in 1995, and thereafter, an



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

applicant will be required to comply with the continuing education requirements pursuant to Section 36.17 of the Act and Section 1455.205 of this Part.

- 2) A license with the title of State Licensed Real Estate Appraiser may be renewed by providing evidence of completion of experience as required by Section 1455.20(b), evidence of 20 hours CE course work and payment of renewal fees set forth in Section 36.6 of the Act. For a license expired between 2 years and 3 years, a renewal applicant shall complete the 20 hours of CE after the expiration date on the license.
- 3) An expired license for Certified Residential or General Real Estate Appraiser may be renewed by payment of renewal fees set forth in Section 36.6 of the Act and evidence of completion of 20 hours of CE coursework. For a license expired between 2 years and 3 years, a renewal applicant shall complete the 20 hours of CE after the expiration date on the license.
- 4) A license or certificate for State Licensed, Certified Residential or Certified General Real Estate Appraiser expired for more than 3 years will not be renewed. The appraiser may reapply for license or certification by meeting the licensure or certification requirements in effect at the time of application and by passing the appropriate State Appraiser Examination.
- 5) The holder of a license or certificate for State Licensed, Certified Residential or Certified General Appraiser that is expired for a period of less than 3 years may renew the license or certificate in accordance with the provisions of this Section. Licensees may not reapply for licensure or certification in the same appraiser category until the certificate has been expired for 3 years.
- e) b) Approved real estate appraiser education providers shall renew December 31 each year by paying the required fee set forth in Section 1455.210(b) of this Part.
- c) Approved pre-license/certification courses will expire 3 years from the date of issue and may be renewed by reapplication and payment of fees, in accordance with Section 1455.200 and 1455.210, 60 days prior to expiration.
- d) Approved appraisal CE courses will expire on March 31 of even numbered years and may be renewed by reapplication and payment of fees, in accordance with Section 1455.200 and 1455.210, 60 days prior to expiration.
- e) It is the responsibility of each individual holding certification or licensure to notify the Department of any change of address. Failure to receive a renewal

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew the certification in a timely manner.

- e) f) A certificate for State Licensed Real Estate Appraiser will not be renewed until the Department has received documentation of 500 hours of experience in accordance with Section 1455.20(b). To expedite processing, the documentation may be submitted with the original application for licensure or as soon as the experience is met; otherwise, it shall be submitted with the renewal application.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994 )



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Reimbursement For Nursing Costs For Geriatric Facilities
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers:      Adopted Action:  
     147.150                      Amendment  
     147.205                      Amendment
- 4) Statutory Authority: Sections 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 25, 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 25, 1994
- 9) Notice of Proposal Published in Illinois Register:  
     September 17, 1993 (17 Ill. Reg. 14803)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No changes have been made in the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
     Yes
- 14) Are there any Amendments pending on this Part? Yes

- | Sections | Proposed Action | Illinois Register Citation            |
|----------|-----------------|---------------------------------------|
| 147.105  | Amendment       | October 29, 1993 (17 Ill. Reg. 18788) |
- 15) Summary and Purpose of Amendments: These amendments are required to implement reimbursement changes for nursing facilities, to comply with the Fiscal Year 1994 budget agreements. These changes were effective on September 2, 1993 through emergency rulemaking which was published on September 17, 1993 at 17 Ill. Reg. 15189. Changes in the provider assessment program have resulted in the necessity to limit FY'94 spending

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

for nursing facilities to FY'93 levels. Three primary changes have been made in Sections 147.150 and 147.205 to restrict reimbursement increases and maintain FY'93 funding levels.

The three changes pertain to wages and fringe benefit amounts. The most significant change provides for the elimination of the 6.2 percent final wage multiplier which increases reimbursable wages. Another change eliminates the additional wage adjuster add-ons of \$1.58 per resident day for facilities in areas having wages equal to or above the statewide average, and \$2.00 per resident day for facilities in areas having wages below the statewide average. The final change involves the calculation of fringe benefit amounts according to the actual statewide average fringe percent rather than an assigned 21 percent.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones  
Address: Bureau of Rules and Regulations  
     Illinois Department of Public Aid  
     100 South Grand Avenue East, Third Floor  
     Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER a: MEDICAL PROGRAMS

PART 147  
REIMBURSEMENT FOR NURSING COSTS FOR  
GERIATRIC FACILITIES

Section	Reimbursement For Nursing Costs For Geriatric Residents in Group
147.5	Care Facilities
147.15	Comprehensive Resident Assessment
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203)
147.300	Determination of Program (Psychiatric Rehabilitation Services) Costs
147.305	Psychiatric Rehabilitation Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Psychiatric Rehabilitation Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Program Plan (CPP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Psychiatric Rehabilitation Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Specialized Services for Individuals with Developmental Disabilities in Nursing Facilities
147.355	Staff Time and Allocation by Need Level
147.360	Staff Time and Allocation for Restorative Programs
147.365	Comprehensive Resident Assessment
147.370	Functional Needs and Restorative Care
147.375	Service
147.380	Social Services

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

147. TABLE G Therapy Services (Repealed)  
147. TABLE H Determinations  
147. TABLE I Activities  
147. TABLE J Signatures  
147. TABLE K Rehabilitation Services  
147. TABLE L Personal Information

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) [20 ILCS 2215/Art. 3-1 et seq.] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13) [305 ILCS 5/Arts. 3, 4, 5, 6, 7 and 5/12-13]

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140. Table H and 140. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 6238, effective April 18, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992; amended at 16 Ill. Reg. 6479, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13361, effective August 14, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 14233, effective August 31, 1992; amended at 17 Ill. Reg. 17332, effective November 6, 1992; amended at 17 Ill. Reg. 1128, effective January 12, 1993; amended at 17 Ill. Reg. 8486, effective June 1, 1993; amended at 17 Ill. Reg. 13498, effective August 6, 1993; emergency amendment at 17 Ill. Reg. 15189, effective September 2, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. —, effective January 25, 1994.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150 Statewide Rates

- a) This Section will become effective July 1, 1991 unless otherwise indicated.
- b) Per diem reimbursement rates for nursing care in intermediate and skilled care facilities consist of six elements: variable time reimbursement, training time reimbursement, fixed time reimbursement, fringe benefit reimbursement, and reimbursement for allowable costs of supplies, consultants, medical and nursing directors, and therapies.
- 1) Variable Time Reimbursement. Variable nursing time is that time necessary to meet the major service needs of residents which vary due to their physical or mental conditions. Each need level or specific nursing service measured by the Resident Assessment Instrument is associated with an amount of time and staff level (Sections 147.150(a) and 147.150(b)). Reimbursement is developed by multiplying the time for each service by the wage(s) of the type of staff performing the service except for occupational therapy, physical therapy and speech therapy. If more than one level of staff are involved in delivering a service, reimbursement for that service will be weighted by the wage and number of minutes allocated to each staff type. When a service can be provided by either an RN or an LPN, the wage used will be weighted by the average mix of RNs and LPNs in the sample of facilities used to set rates.

A) Determination of wages. In calculating the rate, the figures used by the Department for "wages" will be determined in the following manner:

- i) The mean wages for the applicable staff levels (RN's, LPN's, Nurse Aides) as reported on the cost reports and determined by geographical location will be the base.
- ii) Effective September 1, 1993, fringe benefits will be equal to 21% the average percent of benefits to actual salaries of all nursing homes based upon cost reports filed pursuant to 89 Ill. Adm. Code 140.543.
- iii) The fringe benefits will be added to the base.
- iv) This new total will then be updated for inflation from the time period for which the wage data are available

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150(b)(1)(A)(iv) (continued)

to the midpoint of the rate year to recognize projected wage changes.

- v) Special minimum wage factor. For the period beginning July 1, 1990, the Department will modify the process used in subsection (b)(1)(A)(i) to determine regional mean wages for Registered Nurses (RN), Licensed Practical Nurses (LPN) and nurse aides to include a minimum wage factor. For those homes below 90% of the statewide average the wage is replaced by 90% of the statewide average. Effective July 1, 1991, through June 30, 1992, a final wage multiplier of 4.1% will be applied to wages. Beginning July 1, 1992 through August 31, 1993, a final wage multiplier of 6.2% will be applied to wages. Effective September 1, 1993, the wage multiplier is eliminated.
- B) Determination of Times and Staff Levels. The times and staff levels have been assigned by a panel of administrators and nurses active in long term care. Prior time/motion studies were used to assist the panel. These times will be reviewed periodically to insure that they accurately reflect nursing practice in the State.
- 2) Training Time Reimbursement

Training Time Reimbursement is determined by assessed need for training, the time allotted for training and the wage rates for licensed and nurse aide staff during the rate year.

- 3) Fixed Time Reimbursement. Fixed or indirect nursing time is that time which does not vary with resident condition or which cannot be measured by an assessment tool. It includes such items as staff meetings, supervision, "downtime", checking physicians' orders and time spent with residents which does not vary with condition. A statewide sample of residents will be used to determine "fixed" time. The mean variable time will be computed for the sample for each level of care, and this amount subtracted from Department of Public Health Minimum Staffing Ratios plus 5% for each level of care. (Department of Public Health Minimum Staffing Ratios, which are measured in terms of time, can be found in 77 Ill. Adm. Code 300.1230). Once the "fixed" time has been determined, the minutes will be weighted at 20% licensed and 80% unlicensed time and multiplied by the appropriate wage. This amount will be added to variable time



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150(b)(3) (continued)

for each resident in the sample. If fixed time is less than zero minutes, then it will equal zero.

- 4) Vacation, Sick Leave and Holiday Time. The time to be added for vacation, sick leave and holidays will be determined by multiplying the sum of Variable and Fixed Time by 5%. This time will then be weighted by 80% unlicensed and 20% licensed wages to determine the amount to be added to the rate for these benefits.

- 5) Special Supplies, Consultants and the Director of Nursing.

Finally, amounts will be added for health care and program supplies, consultants required by Department of Public Health (including the Medical Director), and the Director of Nursing. (A list of consultants required by the Department of Public Health can be found in 77 Ill. Adm. Code 300.830).

- A) Supplies will be updated for inflation using the General Services Inflation (see 89 Ill. Adm. Code 140.551). A standard amount by level of care will be allocated for supplies. This amount will be determined based on the ratio of median updated supply costs by region to median costs for variable and fixed time by level of care (SNF/ICF) by region.

- B) The same analysis will be used to determine an amount for Consultants (including Medical Director) and the Director of Nursing. However, these costs will be updated with the wage inflation rate.

- 6) Therapies.

- A) Effective January 1, 1993 the Department will begin incorporating speech, occupational and physical therapy services and restorative program nursing assessments into the Inspection of Care (IOC) survey.

- B) In order to transition reimbursement for these services to the IOC, facilities currently providing these services will receive an add-on to the nursing component of its per diem. The add-on amount will be calculated by the Department and will be based on historical data from paid claims and adjustments. The add-on amount will begin with January 1993 services and will continue until the facility

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150(b)(6)(B) (continued)

receives a new rate as a result of an IOC survey conducted in calendar year 1993.

- c) Determination of Facility Rates.

- 1) The rate each facility receives will be determined by the assessed needs of residents the facility serves. Effective January 1, 1990, nurses from Department of Public Aid (DPA) will conduct an assessment of 100% of the Medicaid residents by level of care in each home annually. The assessment will be conducted during the four month period prior to the annual nursing IOC rate adjustment date. The needs of the residents in the sample will be assessed with the Resident Assessment Instrument. An amount for each resident will be calculated by multiplying the number of minutes from the assessment by the appropriate wage/wages for each assessment item (see subsection (b)(1) above), adding the appropriate amount for fixed time (see subsection (b)(3) above) and amounts for vacation, sick and holiday time (see subsection (b)(4) above), and supplies, consultants, and the Director of Nursing, (see subsection (b)(5) above). The average of the rates for residents assessed will become the facility's per diem reimbursement rate for each Medicaid patient in the facility effective on the facility's annual nursing IOC rate adjustment date.

- 2) A copy of the Resident Assessment will be left with the facility upon completion.

- d) Adjustment in Instrument. Residents assessed as being in need of a service but is not receiving the required service will be assessed solely as need not met.

- e)d) An interim IOC may be requested by a facility by notifying, in writing, the Bureau of Long Term Quality Care Bureau Chief within 180 days of the exit date of the last IOC. The following criteria shall be met before a request for an interim IOC can be made. A 25% or greater turnover in Medicaid residents since the last IOC or there has been a 7% or greater increase in the average per patient care time. The request for the interim IOC shall contain a full explanation of why the facility meets the criteria and must include any documentation relevant to the request. The facility will be notified within 45 days from the date the request is received of whether an interim IOC will be conducted. If approved, the Bureau will conduct a full IOC within 60 days of the written approval decision. Upon reassessment, an amended 2700 will be forwarded to the DPA. Upon receipt of the amended 2700 the facility's rate will

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENTS

## Section 147.150(d) (continued)

become effective for the final six months of that facility's rate year.

§1e) If the interim IOC is scheduled to take place during the period when the next annual IOC is scheduled, only one IOC will be done. The rate that results will apply for the 18 month period which begins with the effective date of the interim IOC rate.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective January 25, 1994)

## Section 147.205 Nursing Rates

For residential nursing services provided to Medicaid residents in skilled and intermediate care facilities from January 1, 1989, unless otherwise indicated, the Department will determine nursing rates according to the following two steps:

- a) Calculation of the nursing rate: For each facility, the nursing rate will be computed according to the methods specified in Section 147.150(b), employing reimbursable staff times as specified in Section 147. Tables A and B for all assessment items.
- b) Calculation of the final nursing rate: for each facility, a final nursing rate will be equal to the sum of the nursing rate (see subsection (a) above) plus an add-on for Care Planning equal to thirty-five (35%) per resident day, statewide. Effective July 1, 1992 and ending August 31, 1993, there will be an additional wage adjuster add-on of \$1.58 per resident day for HSAs that have wages equal to or above the Statewide average and \$2.00 per resident day for HSAs that have wages below the Statewide average. Effective September 1, 1993, the wage adjuster add-on will be eliminated.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective January 25, 1994)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:

Illinois Home Health Agency Code

2) Code Citation:

77 Ill. Adm. Code 245

3) Section Numbers:

245.40

Adopted Action:

Amendments

4) Statutory Authority:

Home Health Agency Licensing Act  
Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2801 et seq.  
[210 ILCS 55]

5) Effective Date of Rules:

January 22, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes \_\_\_\_\_ No X

If "yes," please specify date: \_\_\_\_\_

7) Does this Rulemaking Contain Any Incorporations By Reference? Yes \_\_\_\_\_ No X8) Date Filed in Agency's Principal Office:

January 25, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

January 22, 1993 - 17 Ill. Reg. 747

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_\_\_ No X

If "yes," please complete the following:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- A) Statement of Objection: \_\_\_\_\_ Ill. Reg. \_\_\_\_\_
- B) Agency Response: \_\_\_\_\_ Ill. Reg. \_\_\_\_\_
- C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

No comments were received, and no changes were made.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

No changes were requested.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_\_ No X

14) Are there any other Amendments Pending on this Part?

Yes \_\_\_\_\_ No X

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
_____	_____	_____

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rules:

The rules in Part 245 set forth requirements for the licensure of home health agencies. The licensure requirements include organization and administration of the agency, staffing and staff responsibilities, services provided, home health aide training programs, annual financial statements, and licensure procedures.

The proposed amendment to the rule will change the supervision requirements for physical therapist assistants. The current rule, which requires supervision at least once during a two-month period if fewer than four to six visits are made by the assistant, is more restrictive than supervision for aides and assistants in other disciplines. The new language will require supervision to take place every four to six visits either when the assistant is present so that the supervisor may observe and assist or when the assistant is absent so that the supervisor may assess relationships and determine whether goals are being met.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

## PART 245

## ILLINOIS HOME HEALTH AGENCY CODE

## SUBPART A: GENERAL PROVISIONS

Section  
245.10 Purpose  
245.20 Definitions  
245.25 Incorporated and Referenced Materials

## SUBPART B: OPERATIONAL REQUIREMENTS

Section  
245.30 Organization and Administration  
245.40 Staffing and Staff Responsibilities  
245.50 Services  
245.60 Annual Financial Statement  
245.70 Requirements for State Approved Home Health Aide Training Programs

## SUBPART C: LICENSURE PROCEDURES

Section  
245.80 Licensure Required  
245.90 License Application  
245.100 Provisional License  
245.110 Inspections and Investigations  
245.120 Violations  
245.130 Adverse Licensure Actions  
245.140 Penalties and Fines  
245.150 Hearings

**AUTHORITY:** Implementing and authorized by the Home Health Agency Licensing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2801 et seq.) [210 ILCS 55].

**SOURCE:** Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective

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## NOTICE OF ADOPTED AMENDMENT(S)

May 1, 1991; amended at 18 Ill. Reg. \_\_\_\_\_, effective  
**JAN 2 1994**

## SUBPART B: OPERATIONAL REQUIREMENTS

## Section 245.40 Staffing and Staff Responsibilities

a) Administrator. The administrator shall have the following responsibilities:  
1) Ensure that the agency is in compliance with all applicable Federal, State and Local laws.

2) Be familiar with the rules of the Department and maintain them within the agency.

3) Familiarize all employees as well as providers through contractual purchase of services with the law and the rules of the Department and make copies available for their use.

4) Ensure the completion, maintenance and submission of such reports and records as required by the Department.

5) Maintain ongoing liaison with the governing body, professional advisory group, staff members and the community.

6) Maintain a current organizational chart to show lines of authority down to the patient level.

7) Have the authority for the management of the business affairs and the overall operation of the agency.

8) Maintain appropriate personnel records, administrative records and all policies and procedures of the agency.

9) Employ qualified personnel in accordance with job descriptions.

10) Provide orientation of new staff, regularly scheduled in-service education programs and opportunities for continuing education for the staff.

11) Designate in writing the qualified staff member to act in the absence of the administrator.

## b) Home Health Aide

1) When home health aide services are offered, the services shall be under the supervision of a registered nurse in accordance with the plan of treatment. The home health aide is assigned to a particular patient by a registered nurse. Written instructions for patient care are prepared by a registered nurse or the appropriate therapist.

2) Duties of the home health aide may include:

A) The performance of simple procedures as an extension of therapeutic services.

B) Personal care.

C) Ambulation and exercise of the patient.

D) Household services essential to health care at home.

E) Assistance with medications that are ordinarily self-administered.

F) Reporting changes in the patient's condition and needs to the registered nurse or the appropriate therapist.

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENT(S)

## G) Completion of appropriate records.

- 3) The registered nurse or appropriate therapist shall make a supervisory visit to the patient's residence at least every two weeks either when the home health aide is present to observe and assist, or when the home health aide is absent to assess relationships and determine whether goals are being met.

## c) Licensed Practical Nurse

- 1) The licensed practical nurse may perform selected acts in accordance with the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65], including the administration of treatments and medications in the care of the ill, injured, or infirm, the maintenance of health and prevention of illness, under the direction of a registered nurse.
- 2) The licensed practical nurse shall report changes in the patient's condition to the registered nurse and these reports shall be documented in the clinical notes.
- 3) The licensed practical nurse shall prepare clinical notes for the clinical record.

- d) Medical Social Worker. When provided, medical social services shall be given by a qualified social worker or by a qualified social worker assistant under the supervision of a qualified social worker in accordance with the plan of treatment. These services shall include the following:

- 1) ~~Assists~~-Assist the physician and other members of the health team in understanding significant social and emotional factors related to the patient's health problems.
- 2) Assess the social and emotional factors in order to estimate the patient's capacity and potential to cope with the problems of daily living.
- 3) ~~Helps~~-Help the patient and family to understand, accept and follow medical recommendations and provide services planned to restore the patient to the optimum social and health adjustment within the patient's capacity.
- 4) ~~Assists~~-Assist patient and family with personal and environmental difficulties which predispose toward illness or interfere with obtaining maximum benefits from medical care.
- 5) ~~Utilizes~~-Utilize all available resources, such as family and community agencies, to assist the patient to resume life in the community or to live within the disability.
- 6) Observe, record and report social and emotional changes.
- 7) ~~Prepares~~-Prepare clinical and progress notes for the clinical record.
- e) Occupational Therapist and Occupational Therapy Assistant. When provided, occupational therapy services shall be given by a qualified occupational therapist or by a qualified occupational therapy assistant under the supervision of a qualified occupational therapist in accordance with the plan of treatment. These services shall include the following:
  - 1) Assist the physician in evaluating the patient's level of

## DEPARTMENT OF PUBLIC HEALTH

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function by applying diagnostic and prognostic procedures.

- 2) Guide the patient in the use of therapeutic creative and self-care activities for the purpose of improving function.
- 3) Observe, record and report to the physician the patient's reaction to treatment and any changes in the patient's condition.
- 4) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of occupational therapy in which they may work with the patient.
- 5) ~~Prepares~~-Prepare clinical and progress notes for the clinical record.

## f) Physical Therapist and Physical Therapist Assistant

- 1) When provided, physical therapy services shall be given by a qualified physical therapist or by a qualified physical therapist assistant under the supervision of a qualified physical therapist in accordance with the plan of treatment. These services shall include the following:

- A) Review and evaluate physician's referral and patient's medical record to determine physical therapy required.
- B) Plan and prepare a written treatment program based on the evaluation of available patient data.
- C) Perform patient tests, measurements, and evaluations, such as range-of-motion and manual muscle tests, gait and functional analyses, and body parts measurements, and record and evaluate findings to aid in establishing or revising specifics of treatment programs.
- D) Plan and administer prescribed physical therapy treatment programs for patients to restore function, relieve pain, and prevent disability following disease, injury or loss of body part.
- E) Administer manual therapeutic exercises to improve or maintain muscle function, applying precise amounts of manual force and guiding patient's body parts through selective patterns and degrees of movement. Instruct, motivate and assist patient in non-manual exercises, such as active regimens, isometric and progressive resistive, and in functional activities using available equipment and assistive and supportive devices, such as crutches, walkers, canes, orthoses and prostheses. Administer treatment involving application of physical agents, such as heat, light, cold, water and electricity. Administer traction and massage. Evaluate, fit and adjust prosthetic and orthotic devices and recommend modifications to the patient as indicated.
- F) Observe, record and report to the physician the patient's treatment, response and progress.
- G) Instruct other health team personnel including, when appropriate, home health aides and family members in certain phases of physical therapy with which they may work with the patient.

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- H) Instruct patient and family in total physical therapy program.
- I) ~~Prepares~~ Prepare clinical and progress notes for the clinical record.

- 2) Supervision of the physical therapist assistant shall include the following:

- A) A registered physical therapist must be accessible by telephone to the physical therapist assistant at all times while the physical therapist assistant is treating patients.
- B) On-site supervision should take place every four to six visits. ~~It--less--than--four--to--six--visits--are--made--by--the physical--therapist--assistant--in--a--two--month--period--the physical--therapist--assistant--must--be--supervised--at--least once--during--that--two--month--period.~~ The supervisory visits may be made either when the physical therapist assistant is present so that the supervisor may observe and assist, or when the physical therapist assistant is absent so that the supervisor may assess relationships and determine whether goals are being met.

- C) Supervision does not constitute treatment.

- D) The supervisory visit should include a complete on-site functional assessment, an on-site review of activities with appropriate revision of treatment plan, and an assessment of the utilization of outside resources.

- 3) The physical therapist assistant shall:

- A) Be directed by and under the supervision of a registered physical therapist.
- B) Administer the physical therapy program as established by the physical therapist.
- C) Administer non-complex active and passive manual therapeutic exercises, therapeutic massage, traction, heat, light, cold, water and electrical modalities to patients with relatively stable conditions.
- D) Instruct, motivate and assist patients in learning and improving functional activities such as perambulation, transfers, ambulation and activities of daily living.
- E) Observe patient's progress and response to treatment and report to the physical therapist.
- F) Confer with members of the health care team for planning, modifying, and coordinating treatment programs.

- g) Registered Nurse. Skilled nursing services shall be given by a registered nurse in accordance with the plan of treatment. These services shall include the following:

- 1) Have the responsibility for the observation, assessment, nursing diagnosis, counsel, care and health teaching of the ill, injured or infirm, and the maintenance of health and prevention of illness of others.
- 2) Maintain a clinical record for each patient receiving care.
- 3) Provide progress notes to the patient's physician about patients

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under care when the patient's conditions change or there are deviations from the plan of care or at least every sixty days.

- 4) Make home health aide assignments, prepare written instructions for the aide and supervise the aide in the home.

- 5) Direct the activities of the licensed practical nurse.

- 6) Administer medications and treatments as prescribed by the patient's physician.

- 7) Act as the coordinator of the health care team in order to maintain the proper linkages within a continuum of care.

- h) Speech Pathologist. When provided, speech therapy services shall be given by a qualified speech pathologist in accordance with the plan of treatment. These services shall include the following:

- 1) Assist the physician in determining and recommending appropriate speech and hearing services.

- 2) Evaluate the patient's speech and language abilities and establish a plan of treatment.

- 3) Provide rehabilitation services for speech and language disorders.

- 4) Record and report to the patient's physician the patient's progress in treatment and any changes in the patient's condition and plan of care.

- 5) Instruct other health team personnel and family members in methods of assisting the patient in improving communication skills.

- 6) ~~Prepares~~ Prepare clinical and progress notes for the clinical record.

- i) Audiologist. When provided, audiology services shall be given by an audiologist in accordance with the plan of treatment. These services shall include the following:

- 1) Administer diagnostic hearing tests to evaluate the patient's audiological abilities.

- 2) Assess the patient's need for amplification.

- 3) Provide rehabilitative services for hearing disorders.

- 4) Instruct other health team personnel and family members in methods of assisting the patient in improving communication skills.

- 5) Record and report to the patient's physician the patient's response to rehabilitative intervention.

- j) Student Training Program. When an agency elects to participate with an educational institution to provide clinical experience for students as part of their health-related professional training, there shall be a written agreement between the agency and each educational institution. The agreement must specify the responsibilities of the agency and the educational institution. The agreement shall include at a minimum the following provisions:

- 1) The agency retains the responsibility for client care.
- 2) The educational institution retains the responsibility for student education.

- 3) The student and faculty performance expectations.



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- 4) Faculty supervision of undergraduate students in the clinic and the field.
- 5) Ratio of faculty to students.
- 6) Confidentiality regarding patient information.
- 7) Required insurance coverage.
- 8) Provisions for joint evaluation by the agency and faculty of the students' performance and of the training program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective  
JAN 2 2 1994)

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1) Heading of the Part:

Subacute Care Hospital Demonstration Program Code

2) Code Citation:

77 Ill. Adm. Code 270

3) Section Numbers:

270.1000  
270.1050  
270.1100  
270.1200  
270.1300  
270.1400  
270.1500  
270.1600  
270.1700  
270.1800  
270.1900  
270.2000  
270.2100  
270.2200  
270.2300

Adopted Action:

New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section

4) Statutory Authority

Alternative Health Care Delivery Act  
[210 ILCS 3]

5) Effective Date of Rules:

JAN 28 1994

6) Does this Rulemaking Contain an Automatic Repeat Date?

Yes \_\_\_\_\_ No X

If yes, please specify date \_\_\_\_\_

7) Does this Rulemaking Contain Any Incorporations By Reference?

Yes \_\_\_\_\_ No X

8) Date Filed in Agency's Proposed Office

JAN 28 1994

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

9) Date Notice(s) of Proposal was Published in Illinois Register:

June 25, 1993 - 17 Ill. Reg. 9654

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes \_\_\_\_\_ No X \_\_\_\_\_

If "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_ Ill. Reg. \_\_\_\_\_

B) Agency Response: \_\_\_\_\_ Ill. Reg. \_\_\_\_\_

C) Date Agency Response Submitted for Approval to the Joint Committee: \_\_\_\_\_

11) Difference Between Proposal and Final Version: \_\_\_\_\_

The following changes were made in response to comments received during the first notice or public comment period:

1. In the table of contents, 270.1100 is entitled Demonstration "Program" Elements.
2. A definition of "Charitable Care" was added, as follows -- "the intentional provision of free or discounted subacute care hospital services to persons who cannot afford to pay."
3. A definition of "Patient's Program Manager" was added, as follows -- "a facility staff person responsible for organizing the patient's care. This person will be qualified by training and experience but may be any of several disciplines, such as, nurse, social worker, etc. This person may have other primary job responsibilities. A facility may have a specific program manager or may have many program managers who each have responsibility for a few patients."
4. The definition of "Physiological Monitoring on a Continual Basis" was revised by deleting the first word "electronic" and added the following phrase at the end, "by electronic, mechanical, or other medically appropriate method."
5. A definition of "Social Worker" was added, as follows -- "a person who: is a licensed social worker or licensed clinical social worker under the Clinical Social Work and Social Practice Act (Ill. Rev. Stat., ch. 111, par. 6351 et seq.) [225 ILCS 20]."

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6. The period was deleted after 270.1050(d).
7. In 270.1100 the word "operate" was deleted after the word "shall" and the following was added, "be reviewed annually by the Board to determine if it should continue operation."
8. The previous 270.1100(b) was entirely deleted and the remaining subsections relettered accordingly.
9. In Section 270.1200(b), item 7 was deleted. Item 5 was revised by adding "and" after the word "Model" and by adding at the end, "of those rooms that will be used as subacute care beds;"
10. Semi-colons were added after the following subsections: 270.1600(b)(1), 270.1600(b)(2), 270.1600(b)(3), 270.1600(d)(1), 270.1600(d)(2), 270.1600(d)(3), 270.1600(d)(4), 270.1600(d)(5) and 270.1600(c)(1).
11. Section 270.1700 was revised by adding the word "source of" before the word "payment" and deleting "methods" after the word "payment."
12. In Section 270.1800(d) the number "ten" was changed to "seven."
13. In Section 270.1900(a) the number "seven" was changed to "three."
14. In Section 270.1900(h) the phrase, "at a team conference" was added at the end of the first sentence.
15. Section 270.1900(b)(2) was revised to read, as follows, "Patient's representative, if he/she chooses to participate."
16. Section 270.1900(b) was revised by adding "Patient Program Manager," as a new item 3. The next items were renumbered accordingly.
17. Section 270.1900(e) was revised to read, "The comprehensive care plan shall be reviewed and revised by the interdisciplinary team as frequently as needed by the patient. A full care plan conference shall be held by the interdisciplinary team at least every 21 days."
18. The first word in each of the following subsections was capitalized, 270.2000(cc)(1), (2) and (3).
19. The following was added as 270.2000(cc)(4), "The patient's late payment or nonpayment of his or her stay. For the purposes of this Part, late payment means non-receipt of payment after submission of a bill. A facility may send a notice to the patient and responsible party requesting payment within 30 days. If payment is not received in 30 days, the facility may institute transfer or discharge proceedings by sending a notice of

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20. transfer or discharge to the patient and responsible party by registered or certified mail. Payment in full shall terminate transfer or discharge proceedings. This subsection does not apply to residents whose care is provided under the Illinois Department of Public Aid.
20. Section 270.2100(a) was revised by adding ", consistent with the needs of the patients," after "PHYSICIAN SUPERVISION."
21. Periods were added at the end of 270.2100(a)(1) and (2).
22. Section 270.2100 was revised by adding a new (f) and relettering the subsections accordingly. The new subsection (f) reads as follows:  

"A program manager shall be designated for each patient. A program manager may serve one or more patients. The provision of services to each patient shall be organized through the patient's program manager who shall:

  - 1) Assume responsibility for implementation of the comprehensive care plan;
  - 2) Assist the patient in becoming oriented to his/her program;
  - 3) Enable the patient's program to proceed in an orderly, purposeful, and goal-oriented manner.
  - 4) Promote the program's responsiveness to the needs and preferences of the patient;
  - 5) Promote the participation of the patient on an ongoing basis in discussions of plans, goals, status, etc.;
  - 6) Participate consistently in team conferences concerning the patient; and
  - 7) Facilitate the discharge process and arrangements for follow-up and supportive services."
23. Section 270.2100(i) was revised by adding the word "written" before the word "policy."
24. A new Section 270.2100(j) was added as follows:  

"If the facility is licensed under the Hospital Licensing Act, the Hospital Licensing Requirements shall apply to blood transfusions. If the facility is licensed under the Nursing Home Care Act, blood transfusions may be given to patients receiving subacute care only if the facility has a transfusion protocol that is approved by the medical director, director of nursing services and the administrator. The protocol must be followed and must address, at least, the following to assure the safety of the patient:



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- 1) Acquisition, transportation and storage of the blood or blood products;
- 2) Supervision by a physician;
- 3) The supplies necessary for the transfusion and response to emergencies;
- 4) Administration of the blood or blood products;
- 5) Monitoring of the patient during and after the transfusion; and
- 6) The qualifications of the staff responsible for implementing subsections (j)(1), (3), (4) and (5) above."
25. The first letter of the following subsections was capitalized: 270.2200(c)(1), (2), (3), (4), and (5).
26. The first letter of the following subsections was capitalized; 270.2300(a)(1)(A), (B), (C), (D), (E) and (F).
27. A semicolon was added to the end of the following subsections, 270.2300(a)(1)(A), (B), (C), (D) and (E).
28. Statutory citations were corrected.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

1. The title of Section 270.1050 was modified to state: "Statutes and Rules Referenced" and to modify the first sentence to state: "The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part."

2. Section 270.1600(b)(4) was rearranged to state:

REVOCATION OF ANY FACILITY LICENSE ISSUED BY THE DEPARTMENT DURING THE PREVIOUS FIVE YEARS OR SURRENDER OR EXPIRATION OF THE LICENSE DURING THE PENDENCY OF ACTION BY THE DEPARTMENT TO REVOKE OR SUSPEND THE LICENSE DURING THE PREVIOUS FIVE YEARS IF:

- A) THE PRIOR LICENSE WAS ISSUED TO THE INDIVIDUAL APPLICANT, OR A CONTROLLING OWNER OR CONTROLLING COMBINATION OF OWNERS OF THE APPLICANT, OR
- B) ANY AFFILIATE OF THE INDIVIDUAL APPLICANT, OR CONTROLLING OWNER OF THE APPLICANT OR AFFILIATE OF THE APPLICANT WAS

## DEPARTMENT OF PUBLIC HEALTH

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## A CONTROLLING OWNER OF THE PRIOR LICENSE. (Section 45 of the Act)

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes \_\_\_\_\_ No X

- 14) Are there any other Amendments Pending on this Part?

Yes \_\_\_\_\_ No X

If Yes:

Section Numbers

Proposed Action

Ill. Reg. Citation

- 15) Summary and Purpose of Rules:

These rules implement the Alternative Health Care Delivery Act (P.A. 87-1188, effective September 24, 1992), which requires the Department to regulate demonstration projects developed under the Act to license and study alternative health care delivery systems. Section 35 of the Act authorized the establishment of subacute care hospital models on a demonstration basis, a subacute care hospital being defined as a designated site that provides medical specialty care for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require acute hospital care. Section 25 of the Act requires the Department to adopt rules for each alternative health care model authorized under the Act. These proposed rules establish requirements for the licensure of subacute care hospital models.

Section 270.1000 defines terms used in the rules.

Section 270.1050 incorporates statutes and rules by reference.

Section 270.1100 sets forth the elements of the demonstration program, including the number and location of participants.

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Section 270.1200 establishes the application procedure for licensure as a subacute care hospital model.

Section 270.1300 lists the obligations and privileges of subacute hospital models, including the obligation to seek certification under Titles XVIII and XIX of the federal Social Security Act within 30 days of licensure.

Section 270.1400 provides requirements for inspections and investigations of program participants, to ensure compliance with the Act and this Part.

Section 270.1500 sets forth provisions for the issuance of a Notice of Violation and request for a plan of correction.

Section 270.1600 provides criteria for adverse licensure action against facilities and for determination of an administrative fine.

Section 270.1700 requires facilities to establish admission criteria and a preadmission screening process and to conduct a nursing assessment at the time each patient is admitted.

Section 270.1800 sets forth requirements for patient assessment, which must be completed within 14 days of admission and promptly after a significant change in the patient's physical or mental condition.

Section 270.1900 establishes provisions for the development of a comprehensive care plan for each patient, based on the results of the patient assessment and including measurable objectives and timetables to meet a patient's medical, nursing, mental and psychosocial needs.

Section 270.2000 sets forth provisions for the rights of patients in facilities licensed as subacute care hospital models.

Section 270.2100 establishes requirements for patient care services, including physician supervision, registered nursing, physiological monitoring, transfer agreements, and integration of services with nearby health care facilities.

Section 270.2200 establishes personnel requirements and provisions for training of facility staff.

Section 270.2300 requires the licensee to develop and implement a quality assessment and improvement program and sets forth the goals to be met.

These proposed rules have been developed with input from the State Board of Health at its meeting on June 10, 1993.

Information and Questions regarding this Adopted Rulemaking shall be directed to:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

Ms. Gail DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH  
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
 SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES  
 PART 270  
 SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE

Section	
270.1000	Definitions
270.1050	Statutes and Rules Referenced
270.1100	Demonstration Program Elements
270.1200	Application for and Issuance of a License to Operate a Subacute Care Hospital Model
270.1300	Obligations and Privileges of Subacute Care Hospital Models
270.1400	Inspections and Investigations
270.1500	Notice of Violation and Plan of Correction
270.1600	Adverse Licensure Action
270.1700	Admission Practices
270.1800	Patient Assessment
270.1900	Comprehensive Care Plan
270.2000	Patient's Rights
270.2100	Patient Care Services
270.2200	Personnel
270.2300	Quality Assessment and Improvement

**AUTHORITY:** Implementing and authorized by the Alternative Health Care Delivery Act [210 ILCS 3].

**SOURCE:** Adopted at 18 Ill. Reg. \_\_\_\_\_, effective JAN 28 1994.

### Section 270.1000 Definitions

The following terms shall have the meanings ascribed to them here whenever the term is used in this Part.

Act - the Alternative Health Care Delivery Act [210 ILCS 3].

Board - the State Board of Health. (Section 10 of the Act)

Charitable Care - the intentional provision of free or discounted subacute care hospital services to persons who cannot afford to pay.

Comparable Health Care Providers - other facilities holding the comparable Illinois Department of Public Health license.

Comprehensive Care Plan - a document, developed by the Interdisciplinary Team, that includes measurable objectives and timetables to meet a patient's medical, nursing, mental and psychosocial needs that are identified in the comprehensive

## DEPARTMENT OF PUBLIC HEALTH

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**assessment.** Intermediate steps must be included for each objective if identification of those steps will enhance the patient's ability to meet the objectives.

**Demonstration Program or Program - a program to license and study alternative health care models authorized under the Act.** (Section 10 of the Act)

**Department - the Illinois Department of Public Health.** (Section 10 of the Act)

**Dietician - a person who:**  
 is eligible for registration by the American Dietetic Association; or  
 has a baccalaureate degree with major studies in food and nutrition, dietetics, and food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

**Director - the Director of Public Health or his designee.** (Section 10 of the Act)

**Hospital - a facility licensed pursuant to the Hospital Licensing Act** (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 142 et seq.) [210 ILCS 85].

**Inspection - any survey, evaluation or investigation of the subacute care hospital model's compliance with the Act and this part by the Department or designee.**

**Interdisciplinary Team - a group primarily responsible for preparing the comprehensive care plan, which includes the patient, the patient's representative, the attending physician, a registered nurse with responsibility for caring for the patient and other appropriate staff in disciplines determined by the patient's needs and facility policy.**

**Licensee - the person or entity licensed to operate the subacute care hospital model.**

**Nursing Home - a facility licensed pursuant to the Nursing Home Care Act to provide skilled nursing care** (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101 et seq.) [210 ILCS 45].

**Patient's Program Manager - a facility staff person responsible for organizing the patient's care.** This person will be qualified by training and experience but may be any of several disciplines, such as, nurse, social worker, etc. This person may have other primary job responsibilities. A facility may have a specific program manager or may have many program managers who have responsibility for a few



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patients.

Patient's Representative - a person authorized by the patient or by law to act on behalf of the patient.

Physician - a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 4400-1 et seq.) [225 ILCS 60].

Physiological Monitoring on a Continual Basis - monitoring of a physiological function such as breathing, cardiovascular functioning or biochemical functioning on a continual basis by electronic, mechanical, or other medically appropriate method.

Registered Nurse - a person who is licensed as a registered professional nurse under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, pars. 3501 et seq.) [225 ILCS 65].

Social Worker - a person who:

is a licensed social worker or licensed clinical social worker under the Clinical Social Work and Social Work Practice Act (Ill. Rev. Stat. 1991, ch. 111, par. 351 et seq.) [225 ILCS 20].

Subacute Care - the provision of inpatient services in a subacute care hospital model for patients who need a greater intensity or complexity of care than generally provided in a skilled nursing facility but who no longer require the stabilization or treatment provided in acute hospital care. Subacute care includes physician supervision, registered nursing and physiological monitoring on a continual basis. (Section 35 of the Act)

Subacute Care Hospital Model - a freestanding building or a distinct physical and operational entity within a hospital or nursing home building that is licensed to participate in the Demonstration Program. A subacute care hospital model shall only consist of beds existing in licensed hospitals or skilled nursing facilities. (Section 35 of the Act)

Substantial Compliance - meeting requirements except for variance from the strict and literal performance, which results in unimportant omissions or defects given the particular circumstances involved. This definition is limited to the phrase as used in Section 270.1200.

## Section 270.1050 Statutes and Rules Referenced

The following Illinois statutes and administrative rules of the Department of Public Health are referenced in this Part.

- a) Hospital Licensing Act and Hospital Licensing Requirements (77 Ill. Adm. Code 250)

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- b) Nursing Home Care Act and Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
- c) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- d) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

## Section 270.1100 Demonstration Program Elements

- a) The Subacute Care Hospital Demonstration Program shall be reviewed annually by the Board to determine if it should continue operation for a period of up to five years, commencing with the effective date of this Part.

- b) A Subacute Care Hospital Model shall be licensed pursuant to this Part to be considered a participant in the Program.

- c) Applications for participation in the Program shall be considered only when a vacancy exists in one of the allocated Program slots for the relevant geographic area.

- d) At the midpoint and end of the program, the Board shall evaluate and make recommendations to the Governor and the General Assembly, through the Department, regarding the program, in accordance with Section 20(b) of the Act.

- e) The Department shall deposit all application fees, renewal fees and fines collected under the Act and this Part into the Regulatory Evaluation and Basic Enforcement Fund in the State Treasury. (Section 25(d) of the Act)

## Section 270.1200 Application for and Issuance of a License to Operate a Subacute Care Hospital Model

- a) The applicant shall be licensed as a skilled nursing home or a pediatric skilled nursing home pursuant to the Nursing Home Care Act or as a hospital pursuant to the Hospital Licensing Act.

- b) Applications for a license to operate a subacute care hospital model shall be in writing on forms provided by the Department. The application shall be made under oath and shall contain the following:

- 1) Proof of a Certificate of Need to establish and operate a subacute care hospital model issued by the Health Facilities Planning Board under the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1151 et seq.) [20 ILCS 3960];
- 2) The name and address of the hospital or skilled nursing home licensee, which shall be the name of the Model licensee;
- 3) The name of the proposed Model;
- 4) The address of the proposed Model, if it is a freestanding building;
- 5) A precise description of the site of the proposed Model, and if it is located within the hospital or skilled nursing home, the room numbers of those rooms which will be used as subacute care

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- beds;
- 6) The number of subacute care beds;
  - 7) The name and address of the registered agent or other individual authorized to receive Service of Process for the Model license; and
  - 8) The name of the person or persons under whose management or supervision the facility will be operated.
- c) An application for initial licensure shall be accompanied by an application fee of \$500 plus \$100 for each subacute care hospital model bed.
  - d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
  - e) If the proposed Model is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.
    - 1) The license shall not be transferable; it is issued to the licensee and for the specific location and number of beds identified in the application;
    - 2) The license shall become automatically void and shall be returned to the Department if the facility's hospital or skilled nursing home license is revoked, nonrenewed or relinquished, denied, forfeited or suspended.
  - f) An application for license renewal shall be filed with the Department 90-120 days prior to the expiration of the license, on forms provided by the Department.
    - 1) The renewal application shall comply with the requirements of subsections (a), (b) and (c) of this Section; and
    - 2) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department shall renew the license in accordance with subsection (e) of this Section.
  - g) The Department may issue a provisional license to any subacute care hospital model that does not substantially comply with the provisions of the Act and this Part:
    - 1) A provisional license may be issued only if the Department finds that:
      - A) The model has undertaken changes and corrections which upon completion will render the model in substantial compliance with the Act; and
      - B) The health and safety of the patients in the model will be protected during the period for which the provisional license is issued. (Section 30 (c) of the Act)
    - 2) The Department shall advise the applicant or licensee of the conditions under which the provisional license is issued, including:
      - A) The manner in which the model fails to comply with the provisions of the Act;
      - B) The changes and corrections that shall be completed;

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- C) The time within which the necessary changes and corrections shall be completed (Section 30 (c) of the Act); and
  - D) The interim actions that are necessary to protect the health and safety of the patients.
- h) The Subacute Care Hospital Model license or provisional license shall be prominently displayed in an area accessible to the public.
  - i) A Subacute Care Hospital Model licensed under this Part shall operate in conformance with the Hospital Licensing Act or Nursing Home Care Act, and the rules promulgated thereunder, corresponding to its primary facility license, for all matters and requirements not specifically addressed in this Part.

**Section 270.1300 Obligations and Privileges of Subacute Care Hospital Models**

- a) Subacute care hospital models shall, within 30 days of licensure, seek certification under Titles XVIII and XIX of the Federal Social Security Act. (Section 30(d) of the Act)
- b) Subacute care hospital models shall provide charitable care consistent with that provided by comparable health care providers in the geographic area. For the purpose of this Part, comparable health care providers shall include hospitals, rehabilitation hospitals and skilled nursing facilities. (Section 30(d) of the Act)
- c) A licensed subacute care hospital model that continues to be in substantial compliance after the conclusion of the demonstration program shall be eligible for annual license renewals unless and until a different licensure program for that type of health care model is established by legislation. (Section 30(c) of the Act)
- d) A subacute care hospital model shall never use the word "hospital" in its advertising or marketing activities or represent or hold itself out to the public as a general acute care hospital. A subacute care hospital model may not accept or purport to treat patients in an emergency condition, and may not operate an emergency department open to the general public. (Section 35 of the Act)
- e) The average length of stay for patients treated in a subacute care hospital model shall not be less than 20 days, and for individual patients, the expected stay at the time of admission shall not be less than 10 days. Variations from minimum lengths of stay shall be reported to the Department semi-annually, in writing. (Section 35 of the Act)

**Section 270.1400 Inspections and Investigations**

- a) The Department shall perform licensure inspections of subacute care hospital models, as deemed necessary, to ensure compliance with the Act and this Part. (Section 25(c) of the Act)
- b) All facilities to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition,

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representatives of the Department shall have access to and may reproduce or photocopy any books, records and other documents maintained by the facility or the licensee to the extent necessary to carry out the Act and this Part.

- c) *The Department shall investigate an applicant or licensee whenever it receives a verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for the denial of an application for a license, refusal to renew a license, or suspension or revocation of a license.* (Section 50 of the Act)
- d) *The Department may also investigate an applicant or licensee on its own motion or based upon complaints received by mail, telephone or in person.* (Section 50 of the Act)

**Section 270.1500 Notice of Violation and Plan of Correction**

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit a plan of correction to the Department within 10 days after receipt of the Notice.

- b) Within the ten-day period, a licensee or applicant may request additional time for submission of the plan of correction. The Department may extend the period for submission of the plan of correction for an additional 30 days, when the Department finds that corrective action by a facility to abate or eliminate the violation will require substantial capital improvement. The Department will consider the extent and complexity of necessary physical plant repairs and improvements and any impact on the health, safety, or welfare of the patients of the facility in determining whether to grant a requested extension.

- c) Each plan of correction shall be based on an assessment by the facility of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures which have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the facility. Each plan of correction shall include:
  - 1) A description of the specific corrective action the facility is taking, or plans to take, to abate, eliminate, or correct the violation cited in the Notice.

- 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations.
- 3) A specific date by which the corrective action will be completed.

- d) Submission of a plan of correction shall not be considered an admission by the facility that the violation has occurred.

- e) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:

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- 1) The plan does not appear to address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
- 2) The plan is not specific enough to indicate the actual actions the facility will be taking to abate, eliminate, or correct the violation.
- 3) The plan does not provide for measures that will abate or eliminate, or correct the violation.
- 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
- 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the correction action.
- f) The Department shall notify the licensee or applicant in writing of the acceptance or rejection of the plan of correction, including specific reasons for the rejection of the plan. The facility shall have 10 days after receipt of notice of rejection in which to submit a modified plan that addresses the requirements of subsection (c) of this Section.
- g) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction shall be specified and imposed by the Department.
- h) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period during subsequent investigations, surveys and evaluations of the facility.

**Section 270.1600 Adverse Licensure Action**

- a) Before denying a license application, refusing to renew a license, suspending a license, revoking a license, or assessing an administrative fine, the Department shall notify the applicant or the licensee in writing. The notice shall specify the charges or reasons for the Department's contemplated action, and shall provide an opportunity to file a request for a hearing within 10 days after receiving the notice. (Section 50 of the Act)
  - 1) A failure to request a hearing within 10 days shall constitute a waiver of the applicant's or licensee's right to a hearing. (Section 50 of the Act)
  - 2) The hearing shall be conducted by the Director or an individual designated in writing by the Director as an Administrative Law Judge, and shall be conducted in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings and Section 65 of the Act. (Section 55 of the Act)
- b) A license may be denied, suspended, or revoked, or the renewal of a license may be denied or administrative fine assessed, for any of the



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## following reasons:

- 1) Violation of any provision of the Act or this Part;
- 2) Conviction of the owner or operator of the subacute care hospital model of a felony or of any other crime under the laws of any state or of the United States arising out of, or in connection with, the operation of a health care facility. The record of conviction or a certified copy of it shall be conclusive evidence of conviction;
- 3) An encumbrance on a health care license issued in Illinois or any other state to the owner or operator of the subacute care hospital model;
- 4) Revocation of any facility license issued by the Department during the previous five years or surrender or expiration of the license during the pendency of action by the Department to revoke or suspend the license during the previous five years if:
  - A) the prior license was issued to the individual applicant, or a controlling owner or controlling combination of owners of the applicant, or
  - B) any affiliate of the individual applicant, or controlling owner of the applicant or affiliate of the applicant was a controlling owner of the prior license. (Section 45 of the Act)

- c) An action to assess an administrative fine may be initiated in conjunction with or in lieu of other adverse licensure action.
- d) The amount of an administrative fine shall be determined based on consideration of the following:
  - 1) The nature and severity of the violation(s);
  - 2) The facility's diligence in correcting the violation(s);
  - 3) Whether the facility had been previously cited for similar violation(s);
  - 4) The number of violations;
  - 5) The duration of uncorrected violation(s); and
  - 6) The impact or potential impact of the violation(s) on patient health and safety.

- e) The administrative fine shall be calculated in relation to the number of days the violation existed, or continues to exist if it has not been corrected. The total amount of the fine assessed shall fall within the following parameters:
  - 1) For a violation that occurred as a single event or incident--between \$100 and \$5,000 per violation;
  - 2) For a violation that was or is continuing beyond a single event or incident--between \$100 and \$500 per day per violation.

## Section 270.1700 Admission Practices

- a) The facility shall establish admission criteria that provide for:
  - 1) The admission of patients with an expected stay of at least 10 days;
  - 2) The admission of patients who can be served by the facility; and

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- 3) The nondiscrimination of patients based on disability, race, religion, sex, source of payment, and any other basis recognized by applicable State and federal laws.
- b) The facility shall have a preadmission screening process to assure that the admission criteria are met. Discharge planning shall be included in the preadmission screening.
- c) At the time each patient is admitted, the licensee must assure that the facility has conducted a nursing assessment and has appropriate physician orders for the patient's immediate care needs, which shall include at a minimum dietary, drugs (if necessary), and routine care to maintain or improve the patient's functional abilities until staff can conduct a comprehensive patient assessment and develop a comprehensive care plan.

## Section 270.1800 Patient Assessment

- a) The licensee shall establish a comprehensive, accurate, standardized, reproducible assessment of each patient's functional ability, strengths and weaknesses. The Minimum Data Set/Patient Assessment Instrument defined by Title XVIII and XIX of the Social Security Act (43 CFR 483.20) meets this Part.
- b) This assessment shall coordinate with any preadmission screenings to the maximum extent practicable to avoid duplicative testing.
- c) The licensee shall establish which health care professionals are to participate in the assessment. This shall include at least the following:
  - 1) Registered Nurse,
  - 2) Physician,
  - 3) Dietician, and
  - 4) Social Worker.
- d) The assessment of each patient shall be completed, in accordance with facility policy, within seven days of admission and promptly after a significant change in the patient's physical or mental condition.

## Section 270.1900 Comprehensive Care Plan

- a) The results of the assessment shall be used to develop a comprehensive care plan within three days of completing the patient assessment for each patient, which includes measurable objectives and timetables to meet a patient's medical, nursing, mental and psychosocial needs that were identified in the assessment. The comprehensive care plan shall include a discharge plan.
- b) The licensee shall establish a policy that defines the members of the interdisciplinary team who will develop and periodically review the comprehensive care plan at a team conference. Team members shall include at least the following:
  - 1) Patient;
  - 2) Patient's representative, if he/she chooses to participate;
  - 3) Patient's Program Manager;

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- 4) Registered nurse; and
- 5) Physician.
- c) The comprehensive care plan shall be implemented.
- d) The facility shall develop a comprehensive care plan evaluation component to measure a patient's progress and the need for revised objectives.
- e) The comprehensive care plan shall be reviewed and revised by the interdisciplinary team as frequently as needed by the patient. A full care plan conference shall be held by the interdisciplinary team at least every 21 days.

## Section 270.2000 Patient's Rights

- a) A patient shall not be deprived of any rights, benefits, or privileges guaranteed by law based solely on his/her status as a patient of the facility.
- b) A patient shall be permitted to retain and use or wear his/her personal property in his/her immediate living quarters unless deemed medically inappropriate or socially disruptive by a physician and so documented in the patient's record.
- c) The facility shall provide a means of safeguarding small items of value for the patients in their rooms or in any other part of the facility, so long as the patient has daily access to such valuables.
- d) The facility shall make reasonable efforts to prevent loss and theft of patients' property. The facility shall develop procedures for investigating complaints concerning theft of patients' property and shall promptly investigate all such complaints.
- e) Children under 16 years of age who are related to employees or volunteers of a facility, and who are not themselves employees/volunteers of the facility, shall be restricted to quarters reserved for family or employee use except during times when such children are part of a group visiting the facility as part of a planned program, or similar activity.
- f) A patient shall be permitted the free exercise of religion. Upon a patient's request, and if necessary at his/her expense, the facility management shall make arrangements for a patient's attendance at religious services of the patient's choice. However, no religious beliefs or practices, or attendance at religious services, may be imposed upon any patient.
- g) The facility shall encourage and not prohibit a patient's right to vote in person or by absentee ballot in all elections.
- h) The facility shall notify the patient's representative whenever the patient suffers from a sudden illness or accident, or if and when unexplained absences occur.
- i) A patient may not be transferred, discharged, evicted, harassed, dismissed or retaliated against for filing a complaint or providing information concerning a complaint against the facility.
- j) A patient shall be permitted to retain the services of his/her own personal physician at his/her own expense under an individual or group

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- plan of health insurance, or under any public or private assistance program providing such coverage.
- k) All patients shall be permitted to obtain from their own physicians, or the physicians retained by the facility, complete and current information concerning his/her medical diagnosis, treatment and prognosis in terms and language the patient can reasonably be expected to understand.
- l) No patient shall be subjected to experimental research or treatment without first obtaining his/her informed, written consent. The experimental research/treatment shall be part of the patient's comprehensive care plan.
- m) Every patient shall be permitted to refuse medical treatment and to know the consequences of such action.
- n) Every patient or patient's representative shall be permitted to inspect and copy all of the patient's clinical and other records concerning the patient's care and maintenance kept by the facility or by the patient's physician.
- o) All patients shall be permitted respect and privacy in their medical and personal care program. Every patient's case discussion, consultation, examination and treatment shall be confidential and shall be conducted discreetly. Those persons not directly involved in the patient's care must have the patient's permission to be present.
- p) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel or volunteer. No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the patient's comprehensive care plan and medical plan of care.
- q) Restraints shall be used only upon written order of the attending physician and for the safety and security of the patients.
- r) The reasons for ordering and using restraints shall be recorded in the patient's comprehensive care plan and medical plan of care. The recordings shall contain ongoing evaluations of the need for the restraints and the measures being taken to reduce or eliminate the need for the use of restraints.
- s) No patient shall be restrained, confined, or subjected to adverse stimuli for the purpose of behavior modification unless and until the informed consent of the patient or patient representative has been obtained.
- t) Restraints and confinements may be employed only when necessary to prevent a patient from injuring himself, herself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints or confinements shall be employed.
- u) No chemical, medication or tranquilizer shall be employed by a facility as a restraint or confinement in lieu of, or in addition to, any physical restraint or confinement. Such chemicals, medications or tranquilizers may only be employed as part of a duly prescribed therapeutic medical treatment program authorized by the patient's

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physician and documented in the patient's comprehensive care plan and medical plan of care.

v) Every patient shall be permitted unimpeded, private and uncensored communication of his/her choice by mail and public telephone. The facility shall ensure that correspondence is promptly received and mailed and that telephones are reasonably accessible.

w) The facility management shall ensure that patients may have private visits at any reasonable hour unless such visits are not medically advisable for the patient as documented in the patient's comprehensive care plan by the patient's physician. The facility shall allow daily visiting. Visiting hours shall be posted in plain view of visitors. The facility management shall ensure that space for visits is available and that facility personnel knock, except in an emergency, before entering any patient's room.

x) Any employee or agent of a public agency, any representative of a community legal services program or any member of a community organization shall be permitted access at reasonable hours to any individual patient or any facility if the purpose of such agency, program or organization includes rendering assistance to patients without charge, but only if there is neither a commercial purpose nor effect to such access and if the purpose is to do any of the following:

- 1) Visit, talk with and make personal, social, and legal services available to all patients;
- 2) Inform patients of their rights and entitlements and their corresponding obligations, under federal and State laws, by means of educational materials and discussions in groups and with individual patients;
- 3) Assist patients in asserting their legal rights regarding claims for public assistance, medical assistance and social security benefits, as well as in all other matters in which patients are aggrieved. Assistance may include counseling and litigation; or

4) Engage in other methods of asserting, advising and representing patients so as to extend to them full enjoyment of their rights.

y) No visitor shall enter the immediate living area of any patient without first identifying himself/herself and then receiving permission from the patient to enter. The rights of other patients present in the room shall be respected. A patient may terminate at any time a visit by a person having access to the patient's living area. Facility staff may terminate visits or provide other accommodations for the visit if they are so requested by the patient, or the visitor is involved in behavior violating other patients' rights.

z) A patient shall be permitted to manage his/her own financial affairs. A facility shall not manage patient funds unless the facility is in compliance with Section 300.3260 of the Skilled Nursing and Intermediate Care Facilities Code.

aa) A patient shall be voluntarily discharged from a facility after he/she gives facility management, a physician, or a nurse of the facility

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written notice of the desire to be discharged. A patient shall be discharged upon written consent of his/her representative unless there is a court order to the contrary. In such cases, upon the patient's discharge, the facility is relieved of any responsibility for the patient's care, safety or well-being.

bb) The facility shall establish involuntary discharge procedures in accordance with subsection (cc) of this Section, which shall include at least the following:

- 1) Patient behavior that may result in involuntary discharge;
- 2) Patient decline or improvement in medical condition that may result in involuntary discharge;
- 3) Patient counseling that may be provided to avoid involuntary discharge;
- 4) Patient notification and due process concerning involuntary discharge;
- 5) Timeframes between counseling, notice, and involuntary discharge.

cc) A facility may involuntarily transfer or discharge a patient only for one or more of the following reasons:

- 1) The patient's medical condition;
- 2) The patient's physical safety;
- 3) The patient's action, or inaction, which directly impinges on the physical safety of other patients, the facility staff or facility visitors;
- 4) The patient's late payment or nonpayment for his or her stay.

For the purposes of this Part, late payment means non-receipt of payment after submission of a bill. A facility may send a notice to the patient and responsible party requesting payment within 30 days. If payment is not received in 30 days, the facility may institute transfer or discharge proceedings by sending a notice of transfer or discharge to the patient and responsible party by registered or certified mail. Payment in full shall terminate transfer or discharge proceedings. This subsection does not apply to residents whose care is provided under the Illinois Department of Public Aid.

dd) A licensee, facility manager, employee, volunteer or agent of a facility shall not abuse or neglect a patient.

ee) A facility employee, agent or volunteer who becomes aware of abuse or neglect of a patient shall immediately report the matter to the facility administrator or designee.

ff) Upon becoming aware of abuse or neglect, the facility administrator or designee shall immediately report the matter by telephone and in writing to the patient's representative and the Department.

## Section 270.2100 Patient Care Services

a) The licensee shall provide physician supervision consistent with the needs of the patients, on a continual basis. (Section 35 of the Act)

- 1) There shall be frequent, consistent contact between physicians and the patient and between physicians and other facility



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personnel, to provide medical direction for the comprehensive care plan.

- 2) There shall be one or more direct physician to patient contacts per week.
- 3) Other contacts may be made through a combination of visits and status reports by other personnel caring for the patient.
- b) The licensee shall provide registered nursing on a continual basis through the onsite availability of registered nurses for hands-on care 24 hours per day. (Section 35 of the Act)
- c) The licensee shall provide physiological monitoring on a continual basis, as necessary to meet the needs of each patient, such as continual electronic monitoring of breathing, cardiovascular functioning or biochemical functioning. (Section 35 of the Act)
- d) The licensee shall provide 24-hour-per-day access to diagnostic support services consistent with the patient's comprehensive care plan.
- e) The licensee shall provide adequate auxiliary and support services to meet each patient's comprehensive care plan.
- f) A program manager shall be designated for each patient. A program manager may serve one or more patients. The provision of services to each patient shall be organized through the patient's manager who shall:
  - 1) Assume responsibility for implementation of the comprehensive care plan;
  - 2) Assist the patient in becoming oriented to his/her program;
  - 3) Enable the patient's program to proceed in an orderly, purposeful, and goal-oriented manner;
  - 4) Promote the program's responsiveness to the needs and preferences of the patient;
  - 5) Promote the participation of the patient on an ongoing basis in discussions of plans, goals, status, etc;
  - 6) Participate consistently in team conferences concerning the patient; and
  - 7) Facilitate the discharge process and arrangements for follow-up and supportive services.
- g) The licensee shall provide other services as necessary to implement and support the patient's comprehensive care plan and overall needs, including provisions for:
  - 1) Case management;
  - 2) Fostering maximum patient independence;
  - 3) Protection of patient rights, privacy and dignity;
  - 4) Assisting the patient and patient's representative in understanding and adjusting to the patient's current condition, prognosis and future needs; and
  - 5) Discharge planning.
- h) A Subacute Care Hospital Model licensee that is not licensed under the Hospital Licensing Act as a general acute care hospital shall have a transfer agreement with at least one general acute care hospital in order to handle cases of complications, emergencies or exigent

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- i) circumstances. (Section 35 of the Act)
- j) A licensee shall develop a written policy to the extent possible, to link and integrate its services with nearby health care facilities to meet the needs of the patients. (Section 30(e) of the Act)
- k) If the facility is licensed under the Hospital Licensing Act, the Hospital Licensing Requirements shall apply to blood transfusions. If the facility is licensed under the Nursing Home Care Act, blood transfusions may be given to patients receiving subacute care only if the facility has a transfusion protocol that is approved by the medical director, director of nursing services and the administrator. The protocol must be followed and must address, at least, the following to assure the safety of the patient:
  - 1) Acquisition, transportation and storage of the blood or blood products;
  - 2) Supervision by a physician;
  - 3) The supplies necessary for the transfusion and response to emergencies;
  - 4) Administration of the blood or blood products;
  - 5) Monitoring of the patient during and after the transfusion; and
  - 6) The qualifications of the staff responsible for implementing subsections (j)(1), (3), (4) and (5) above.

## Section 270.2200 Personnel

- a) The licensee shall provide adequate, properly trained and supervised staff to meet each patient's comprehensive care plan. Services shall be provided by a coordinated interdisciplinary team.
- b) The licensee shall define, through job descriptions, minimum education and experience requirements for all staff, consultants and contract staff providing services to the subacute care hospital model.
- c) The licensee shall provide routine, pertinent training to all staff. This training may include return demonstration, one-on-one training, small group exercises or lecture. All training shall be documented with:
  - 1) Date;
  - 2) Starting and ending time;
  - 3) Instructor(s);
  - 4) Short description of content; and
  - 5) Participants' written and printed signatures.

## Section 270.2300 Quality Assessment and Improvement

- a) The licensee shall develop and implement a quality assessment and improvement program designed to meet at least the following goals:
  - 1) Ongoing monitoring and evaluation of the quality and accessibility of care and services provided at the facility or under contract, including but not limited to:
    - A) Admission of patients appropriate to the capabilities of the facility;

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- B) Patient assessment;  
 C) Development and implementation of appropriate comprehensive care plans;  
 D) Patient satisfaction;  
 E) Costs for delivery of services; and  
 F) Infection control.
- 2) Identification and analysis of problems.  
 3) Identification and implementation of corrective action or changes in response to problems.
- b) The program shall operate pursuant to a written plan, which shall include, but not be limited to:
- 1) A detailed statement of its goals;
  - 2) The methodology and criteria that will be used to meet each stated goal;
  - 3) The action plans for addressing problems;
  - 4) Procedures for evaluating the effectiveness of action plans and revising action plans to prevent reoccurrence of problems;
  - 5) Procedures for documenting the activities of the program; and
  - 6) Identifying the persons responsible for administering the program.
- c) The licensee shall afford the Department and the Board access to any materials or documents generated pursuant to the facility's quality assessment and improvement program or that otherwise relate to patient demand, utilization and satisfaction; healthcare costs; healthcare cost effectiveness; financial viability of the facility; and access to healthcare services. Such information shall be used by the Department and the Board to evaluate and assess the facility in relation to the Demonstration Program, and shall be afforded the same confidential status as is provided information concerning medical studies in Article VIII, Part 21 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, pars 1-101 et seq.) [735 ILCS 5/1-101-1-109].

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part:  
 WIC Vendor Management Code
- 2) Code Citation:  
 77 Ill. Adm. Code 672
- 3) Section Numbers:
- |         |           |
|---------|-----------|
| 672.100 | Amendment |
| 672.105 | Amendment |
| 672.115 | Amendment |
| 672.205 | Amendment |
| 672.210 | Amendment |
| 672.220 | Amendment |
| 672.225 | Amendment |
| 672.300 | Amendment |
| 672.310 | Amendment |
| 672.315 | Amendment |
| 672.405 | Amendment |
| 672.415 | Amendment |
| 672.420 | Amendment |
| 672.425 | Amendment |
| 672.435 | Amendment |
| 672.440 | Amendment |
| 672.450 | Amendment |
| 672.505 | Amendment |
| 672.510 | Amendment |
| 672.515 | Amendment |
| 672.520 | Amendment |
| 672.600 | Amendment |
| 672.605 | Amendment |
| 672.610 | Amendment |
| 672.615 | Amendment |
| 672.620 | Amendment |
| 672.640 | Amendment |
| 672.645 | Amendment |
| 672.650 | Amendment |
| 672.660 | Amendment |
| 672.665 | Amendment |
- Adopted Action:

## DEPARTMENT OF PUBLIC HEALTH

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4) Statutory Authority:

The WIC Vendor Management Act  
Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq. [410 ILCS 255]

5) Effective Date of Rules:

February 1, 1994

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ☐ No ☒

If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ☐ No ☐

8) Date Filed in Agency's Principal Office:

February 1, 1994

9) Date Notice(s) of Proposal was Published in Illinois Register:

17 Ill. Reg. - July 30, 1993, page 12228

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes ☐ No ☒

If "yes," please complete the following:

A) Statement of Objection: ☐ Ill. Reg. ☐

B) Agency Response: ☐ Ill. Reg. ☐

C) Date Agency Response Submitted for Approval to the Joint Committee:

11) Difference Between Proposal and Final Version:

Various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

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12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If yes:

Section Number

Proposed Action

Ill. Reg. Citation

15) Summary and Purpose of Rules:

Since the rules have been in effect, the Department has found several areas that require further clarification, expansion, or are no longer needed. Definitions such as "Expired Food Item" and "Posted Shelf Price" have been added and clarified to reduce confusion. Vendor Contract requirements have been expanded. Many sections have been reorganized to improve readability. The requirement for vendors to apply every two years has been added to comply with current Federal Regulations. The review of food prices has been expanded in the authorization process. A new procedure to allow vendors to request a waiver for initial training has been added. Rejected Food Instrument reasons have been clarified. Pharmacies have been excluded from the minimum stock requirements for non-infant food packages. The section on violations has been rewritten and vendor sanctions has been modified and reorganized. The section on applicability was determined unnecessary and therefore eliminated. The title "Hearing Officer" has been changed to "Administrative Law Judge" to be in conformance with other state rules. Since the admittance of photographs as evidence in a hearing has been contested, the rules have been clarified to specifically allow photographs to be admitted.

16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/82 6187

The full text of the Adopted Amendments begins on the next page:



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## TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER I: MATERNAL AND CHILD HEALTH

## PART 672

## WIC VENDOR MANAGEMENT CODE

## SUBPART A: GENERAL PROVISIONS

## SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section  
672.100  
672.105  
672.110  
672.115

Definitions  
Incorporated Materials  
Purpose  
Application of These Rules

## SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section  
672.200  
672.205  
672.210  
672.215  
672.220  
672.225

Geographic Distribution and Number of Vendors  
Application Procedures  
Authorization Criteria and Procedures  
WIC Food List and Quantities  
Criteria for Denial of Initial Authorization  
Denial of Authorization

## SUBPART C: WIC VENDOR EDUCATION

Section  
672.300  
672.305  
672.310  
672.315

Initial WIC Retail Training by the Department  
Initial WIC Retail Training by a Vendor  
Annual WIC Retail Training Program  
Compliance Training Workshop

## SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section  
672.400  
672.405  
672.410  
672.415  
672.420  
672.425  
672.430  
672.435

Authorization  
WIC Vendor Contract Requirement  
Expiration of WIC Vendor Authorization and Contract  
Food Instrument Processing  
Specifications for Rejection of Food Instruments  
WIC Retail Vendor Responsibilities  
Payment Obligation  
Conflict of Interest

672.440  
672.445  
672.450  
672.455  
672.460  
672.465

Unlawful Discrimination  
Amendments Resulting From a Change in Statute or Regulation  
Assignment or Transfer  
Civil Law Suits  
Voluntary Withdrawal from the WIC Vendor Contract  
Notices

Section  
672.500  
672.505  
672.510  
672.515  
672.520  
672.525

Compliance Monitoring Inspections  
Violations  
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Criteria for Termination of Authorization, Prohibition, and/or Fine Assessment  
Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment  
Notice of Violation

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL  
VENDOR ADMINISTRATIVE HEARINGS

Section  
672.600  
672.605  
672.610  
672.615  
672.620  
672.625  
672.630  
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672.670

Applicability (Repealed)  
Parties to Hearings  
Appearance and Representation of a Party  
Commencement of an Action  
Motions  
Discovery  
Form of Papers  
Service  
Pre-Hearing Conferences  
Conduct of Hearings  
Subpoenas  
Burden of Proof  
Administrative Law Judge's Hearing Officer's Report and Final Decision  
Records of Proceedings  
Miscellaneous

## Section 672. Appendix A Illinois Regional Map

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]

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SOURCE: Adopted at 14 Ill. Reg. 19984, effective, December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994.

## SUBPART A: GENERAL PROVISIONS

## Section 672.100

## Definitions

"Act" means the WIC Vendor Management Act. (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Director to preside at an Administrative Hearing. "Hearing Officer" means the person authorized by the Director or his designee to preside at the formal administrative hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

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"Composite Market Basket" means those quantities of WIC Food items received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 ~~3-02~~ of the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1003.02) [5 ILCS 100/1-30]

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance Program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the Illinois Department of Public Health. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region from the Vendor Price Survey.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

"Director" means the Director of the Illinois Department of Public Health or his designee.

"Expired Food" means a WIC food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, "Best When Purchased By" date, or "Best If Used By" date printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

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"IAPA" means the Illinois Administrative Procedure Act. (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.) [5 ILCS 100]

"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC Foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC foods charged to the general public, identifying the price of the specific WIC food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on the Retail Vendor Price Survey for stores of like size and location.

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"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672, Appendix A.)

"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is a type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Nutrition Service, Special Supplemental Food Program for Women, Infants, and Children as updated. 7 CFR 246 (1990)

"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants, or Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.



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"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" mean those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"WOMEN INFANTS AND CHILDREN NUTRITION PROGRAM" AND "WIC" MEAN THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN INFANTS AND CHILDREN authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

## Section 672.105 Incorporated Materials

a) The following materials are incorporated or referenced in various Sections of the Part:

- 1) The WIC Vendor Management Act, (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7551 et seq.) [410 ILCS 255]
- 2) USDA WIC Regulations, 7 CFR Part 246 (September 1990)
- 3) The Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1 et seq.) [30 ILCS 505] (Sections 672.210(a)(5) and (7) and 672.435)
- 4) Criminal Code of 1961 (Ill. Rev. Stat. 1991, ch. 38, par. 33E-3 and 33E-4) [720 ILCS 5/33E-3 and 33E-4] (Section 672.210(a)(10))

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5) Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, par. 2-102(a)) [755 ILCS 5/2-102 (a)] (Section 672.440)

6) Code of Federal Regulations, 7 CFR 15, 15a and 15b (Section 672.440).

b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.

c) All citations to federal regulations in this Part concern the specified regulation in the January 1990 Code of Federal Regulations, unless another date is specified.

d) Copies of all incorporated materials are available for inspection and duplication (at a fee in accordance with Section 1126.410 of the Department's Freedom of Information Code (2 Ill. Adm. Code 1126)) by the public at the Department's Central Office, Division of Health Assessment and Screening (535 West Jefferson, Springfield, Illinois 62761).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

## Section 672.115 Application of These Rules

These procedures apply to all Applicants for participation as Vendors in the WIC Program, ~~and~~ all Vendors contracting with the Department, ~~and any individual, Business Entity or commercial enterprise that accepts or receives Food Instruments and/or credit/payment for Food Instruments.~~ Any Authorization issued prior to the effective date of the Act or this Part, shall remain valid and subject to the Act and this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

## SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

## Section 672.205 Application Procedures

The Department shall provide an Application for applying to become an authorized WIC Retail Vendor. Submission of a completed Application shall not constitute Authorization to an Applicant to accept or receive payment for Food Instruments. Any Application submitted improperly or incompletely shall be returned to the Applicant. Any Application not completed and returned to the Department within ninety (90) calendar days from receipt by the Applicant shall not be processed. An Applicant can apply for Authorization to become a WIC Retail Vendor by submitting the following to the Department

- a) An Application for WIC Vendor Authorization as a sole proprietorship shall include the following:

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- 1) identity, address, and date of birth of owner; identity and addresses of owners;
  - 2) ~~(The Federal Employer Identification Number (FEIN) of the Business Entity;~~
  - 3) identification of any ownership interest of thirty percent (30%) or more in any other entity applying for WIC Vendor Authorization or WIC Vendor;
  - 4) identification of the Business Entity, the Store Type, location of the proposed Vendor Site and an employee contact for WIC purposes;
  - 5) proof of the owner's identity;
  - 6) proof of the Business Entity's FEIN; and
  - 7) proof of USDA Food Stamp Authorization, if applicable; and;
  - 8) identification of any person holding elective office as specified in Section 672.210(a)(7) and Section 11.1 of the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.
- b) An Application for WIC Vendor Authorization as a corporation shall include the following:
- 1) identity and location of the corporation's principal place of business;
  - 2) identity and address of the corporation's registered agent;
  - 3) FEIN of the corporation;
  - 4) identification of an ownership interest of thirty percent (30%) or more by the stockholders listed in subsection (b)(3) above and such an ownership interest by these stockholders in any other entity applying for WIC Vendor Authorization or WIC Vendor;
  - 5) identification identity of the Business Entity, the Store Type, and location of the proposed Vendor Site and an employee contact for WIC purposes;
  - 6) Certificate of Good Standing from the Illinois Secretary of State;
  - 7) Certification of Incorporation from the State in which the Applicant is incorporated;
  - 8) identification and address of each Corporate Officer;

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- 9) proof of identity for each Corporate Officer;
  - 10) ~~proof of corporation's FEIN; and~~
  - 11) ~~proof of USDA Food Stamp Authorization, if applicable; and;~~
  - 12) identification of any person holding elective office as specified in Section 672.210 (a)(7) and Section 11.1 under the Illinois Purchasing Act (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1) [30 ILCS 505/11.1] and the elective office held.
- c) An Application for WIC Vendor Authorization as a partnership or limited partnership shall include the following:
- 1) identity and address of each limited and general partner and the registered agent;
  - 2) ownership percentages of each limited and general partner;
  - 3) FEIN of the partnership or limited partnership;
  - 4) identification of an ownership interest of thirty percent (30%) or more by the partners listed in subsection (c)(1) above and such an ownership interest by these partners in any other entity applying for WIC Vendor Authorization or WIC Vendor; information concerning any ownership interest of thirty percent (30%) or more by any limited or general partner listed in Section 672.205 (a)(4);
  - 5) identification of information concerning the Business Entity, the Store Type, and the location of the proposed Vendor Site and an employee contact for WIC purposes;
  - 6) proof of identity of each limited and general partner and date of birth;
  - 7) proof of the partnership or limited partnership FEIN;
  - 8) proof of USDA Food Stamp Authorization, if applicable; and
  - 9) if a limited partnership, it must provide a Certificate of Existence issued by the Illinois Secretary of State; and ;
  - 10) identification of any person holding elective office as specified in Section 672.210 (a)(7) and Section 11.1 under the Illinois Purchasing Act. (Ill. Rev. Stat. 1991, ch. 127, par. 132.1-1) [30 ILCS 505/11.1] and the elective office

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held.

- d) Each owner, partner, limited partner, or shareholder of five percent (5%) or more of any stock shall also provide a statement concerning any conviction for a misdemeanor involving fraud, theft, or misuse of state or federal funds or any felony.
- e) Each Applicant or authorized representative shall attest to the accuracy of information provided in the Application.
- f) The Applicant shall have an obligation to notify the Department in writing, by Certified Mail, of material changes in information contained on the Application after Authorization and during the term of the WIC Vendor Authorization.
- g) Proof of FEIN shall include a copy of a notice of new employer identification number assigned or a copy of the Federal Tax Deposit Coupon.
- h) Proof of identity shall include a copy of the Applicant's driver's license or an identification card issued by the Illinois Secretary of State.
- i) If applicable, proof of USDA Food Stamp Authorization shall include a copy of the federal Food Stamp Program Authorization/Retailer Card.
- j) The Applicant shall provide documents which verify the date of purchase or acquisition of the Business Entity for which the Applicant is seeking WIC Vendor Authorization.
- k) Each Applicant shall attest to compliance with necessary local, municipal, or village licenses at the proposed Vendor Site.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

## Section 672.210 Authorization Criteria and Procedures

- a) Only WIC Retail Vendors authorized by the Department shall be eligible to accept Food Instruments or otherwise provide supplemental foods to WIC Participants, Proxies or Department Representatives. Any Applicant seeking Authorization to become a WIC Retail Vendor has an obligation to meet the following criteria before Authorization. In addition, any authorized approved Vendor has a continuing obligation to meet the below listed criteria during the period of Authorization:

- 1) The Vendor Site shall be located within the boundary lines of the State of Illinois.
- 2) The Vendor Site shall have a fixed and permanent location. This site shall be

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the address indicated on the WIC Vendor Application and shall be the location where a WIC Participant, or Proxy or Department Representative shall select WIC Foods during business hours.

- A) This site shall not be at an address or within any building where Food Instruments are distributed to WIC Participants.
- B) The price charged to the WIC Program for WIC Foods provided through Participant Requested Delivery shall not exceed those prices charged to cash paying customers nor the prices posted at the Vendor Site. The Vendor shall not charge for delivery of WIC Foods.
- 3) Each Vendor Site listed in the Application shall have seventy percent (70%) or more gross receipts from the sale of non-alcoholic products.
- 4) Authorization to participate in the USDA Food Stamp Program or any other federal food program is not a prerequisite for Authorization as a WIC Retail Vendor. If, however, an Applicant or Vendor has been authorized to participate in the USDA Food Stamp Program or other federal food program, he shall not have been denied, suspended, disqualified, terminated, or assessed a civil money penalty during the two (2) years preceding Application for Authorization as a WIC Retail Vendor.
- 5) Neither the Applicant, Vendor, nor any officers or officials shall have been involved in bribery as prohibited under Section 10.1 of the Illinois Purchasing Act. (Ill. Rev. Stat. 1991, ch. 127, par. 132.11-1.) [30 ILCS 505/11.1]
- 6) The Applicant or approved Vendor shall be barred from receiving state contracts as a result of any default on any educational loans as that term is defined in the Educational Loan Default Act. (Ill. Rev. Stat. 1991, ch. 127, par. 3550 et seq.) [5 ILCS 385]
- 7) Neither the Applicant, Vendor, nor his or her spouse or minor children, shall hold an elective office in the State of Illinois, a seat in the General Assembly, appointment or employment in any of the offices of State government during the period of any WIC Vendor Authorization as prohibited under Section 11.1 of the Illinois Purchasing Act.
- 8) Neither the Applicant, Vendor, its officers, directors, individual partners, nor their spouses or minor children who owns more than seven and one-half percent (7 1/2%) ownership or beneficial interest in the Business Entity seeking Authorization to participate in the WIC Program shall be employed by the WIC Program of a Local Agency.



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- 9) Neither the Applicant, nor the Vendor shall have been convicted of a misdemeanor involving fraud, misuse or theft of State or Federal funds or of any felony. A certified copy of conviction may be offered and admitted into evidence as proof of such conviction.
- 10) The Applicant or Vendor shall be barred from bidding on or entering into a WIC Vendor Contract as a result of a violation of Sections 33E-3 or 33E-4 of the Criminal Code of 1961.
- 11) Neither the Applicant, Vendor, nor any owner of thirty percent (30%) or more ownership shall have been terminated from the WIC Program in the previous three (3) years.
- 12) The Applicant or Vendor shall adhere to the provisions of the USDA WIC Regulations, the Act, and this Part.
- 13) With the exception of a Pharmacy, if the Applicant is a current or former Vendor, the Applicant's charges to the WIC Program as a percentage of the Department Estimated Cost may be ranked against other current or former Vendor Applicants and. The former Vendor's lowest percentages may be used as an Authorization criteria in order to meet the minimum number of Vendors needed in a region (Section 672.200) (7 CFR Part 246.12(e)(2)).
- b) Applicants shall be authorized as WIC Retail Vendors based upon the following:
- 1) An Application and all supporting documents shall be properly completed and verified by the Department. No Application shall be deemed complete unless it includes all necessary supporting documents required by this Part.
- 2) The Applicant's proposed Vendor Site shall be ~~initially~~ inspected by the Department.
- A) The Department shall conduct an ~~initial~~ inspection of the proposed Vendor Site after receipt of a completed Application. Such inspection shall determine whether the Applicant has the minimum quantities, sizes, and types of WIC Foods and shall verify any business or financial information submitted by the Applicant. Food products originating from WIC Food Centers or CSFP shall not be counted towards the minimum quantities, sizes, and types of WIC foods.
- B) If the inspection discloses that the Applicant's proposed Vendor Site does not have the minimum quantities, sizes, or types of WIC Foods necessary of that business or financial information supplied by the Applicant is erroneous, inaccurate, or insufficient, the Department shall

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advise the Applicant of the deficiencies and conduct another inspection of the Vendor Site.

- B)(C) If the ~~second~~ inspection by the Department discloses that the Applicant's proposed Vendor Site does not have ~~meet~~ the minimum quantities, sizes, and types of WIC Foods necessary or that if business or financial information supplied by the Applicant is ~~remains~~ erroneous, inaccurate or insufficient, the Application shall be denied.
- 3) The minimum quantities, sizes, and types of WIC Foods necessary at a Vendor Site are those specified in the WIC Vendor Contract. A copy of this list shall be provided to each Applicant and authorized approved Vendor.
- 4) The Department shall complete a Retail Vendor Price Survey of WIC Foods during the ~~initial~~ inspection by collecting the lowest posted shelf prices for WIC Foods. If the Applicant's ~~prices are~~ Composite Food Package Cost is five percent (5%) or greater than the average prices in the same region for WIC Foods Regional Average Composite Food Package Cost, the Application shall be denied, unless the Applicant is a Pharmacy or drug store which only redeems Food Instruments for infant packages.
- 5) The Applicant shall be notified by the Department, within thirty (30) calendar days, whether or not the inspection of the proposed Vendor Site, the business, the financial, or other information provided by the Applicant meet the criteria set forth in this Part. If the Applicant meets such criteria, he shall be notified in writing of approval to attend the initial Retail Vendor training course or of his eligibility for an initial Retail Vendor training course waiver. (See Section 672.300)
- (Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)
- Section 672.220 Criteria for Denial of ~~Initial~~ Authorization
- A determination by the Director or his designee to deny ~~initial~~ Authorization shall be based upon a finding that one (1) or more of the following criteria are met:
- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the ~~initial~~ on site inspection of the proposed Vendor Site.
- c) The Applicant has refused to allow the Department access to inspect the proposed

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Vendor Site during the Applicant's normal business hours.

- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:

- 1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or
- 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.

- g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1-%), per month of all Food Instruments submitted to the contract bank; rejected ~~per month~~ for a maximum of three (3) months during a contract period.

- h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:

- 1) civil money penalty;
- 2) suspension;
- 3) disqualification;
- 4) permanent disqualification.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Director or his designee finds that an Applicant meets any of the criteria set forth in Section 672.220.

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- b) When the Director or his designee determines that the Application for Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:

- 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
- 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.
- 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## SUBPART C: WIC VENDOR EDUCATION

Section 672.300 Initial WIC Retail Training by the Department

- a) Upon official written notification by the Department, an initial WIC ~~retail~~ training course shall be provided to Applicants who have met the criteria in Subpart B of this Part. All Applicant Sites shall send a representative to the training course except as provided for in subsection (e) of this Section or in Section 672.305.

- b) The initial WIC ~~retail~~ training course shall include, but shall not be limited to the following: the purpose of the WIC Program; certification of WIC Participants; responsibilities of the WIC Retail Vendor; minimum quantities, sizes and types of authorized WIC Foods; Food Instrument processing and transactions; USDA WIC Regulations, the Act and the provisions of this Part; monitoring and compliance visits; WIC fraud and abuse provisions; potential sanctions to Vendors; collection of overcharges; the Vendor's responsibility for maintenance of purchasing records; procedures for WIC Participant, Vendor or public complaints; the WIC Vendor Contract; and completion of the Retail Vendor Price Survey.

- c) All Applicants or their representatives at the initial retail training course shall sign a ~~roster indicating their attendance~~

- d) At the end of the initial retail training course, each Applicant or the Applicant's representative shall sign a certification of understanding of the WIC Program.

- e) In order for attendance of the initial retail training course to be waived, the Applicant shall request in writing a waiver from the Department. This request shall contain the

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name and position of the store representative who attended an Annual or Initial Training course within the previous twelve (12) months from the date of the application, and the date of attendance. The Applicant shall affirm that the store representative named in the waiver request is employed by the Applicant. The store representative shall sign a certification of understanding of the WIC Program for the Applicant.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

## Section 672.310 Annual WIC Retail Training Program

- a) Unless a Vendor has attended an initial WIC Retail Vendor training course ~~meeting~~, during the contract period, a representative from each Vendor Site shall be notified and shall participate in an annual Department sponsored training program. This person shall not represent more than one (1) WIC Retail Vendor Site at any annual training course.
- b) Each training program shall include, but not be limited to the following topics: any changes to the USDA WIC Regulations, the Act, or the provisions of this Part, and issues relating to the WIC Vendor Contract.
- c) A representative from each Vendor Site shall sign a certificate of participation in the training program.
- d) A Vendor who meets the following criteria shall have the option of providing the annual WIC retail training to each Vendor Site only with written prior approval of the Department. The Vendor shall meet the following criteria:
  - 1) the Vendor shall submit a written request to provide the training course and all materials which shall be used in the course which shall include the subjects specified in Section 672.300 (b);
  - 2) all WIC Retail Vendor outlets shall operate under one FEIN;
  - 3) the Vendor shall have a minimum of twenty (20) Illinois WIC Retail Vendor Sites;
  - 4) Department representatives shall be allowed to observe the training; and
  - 5) a certification of understanding of the WIC Program shall be completed and signed by the Vendor or his representative.
- e) If the criteria in subsection (d) of this section are met, the Department shall send a

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written notification permitting the Vendor to provide the annual WIC Retail Vendor training. This permission shall be valid for the period covered by the WIC Vendor Authorization.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

## Section 672.315 Compliance Training Workshop

- a) Any WIC Retail Vendor who has been found to have committed a Class A, Class B or Class C Violation, as defined in Section 672.505, shall be required to attend a compliance training workshop as required in Section 672.510. Any Vendor required to attend shall not represent more than one (1) WIC Retail Vendor Site at any compliance workshop. Attendance at a compliance training workshop must be completed within the time period specified in a final order entered pursuant to Section 672.660. ~~Attendance at the compliance training workshop shall not be required if the Vendor is terminated from Authorization.~~
  - b) The Vendor shall be notified in writing of the workshop date by the Department.
  - c) Workshop topics shall include, but not be limited to the following: the WIC Vendor Contract, the USDA WIC Regulations, the Act, and the provisions of this Part.
  - d) All Vendors or representatives of the Vendor at a compliance workshop shall sign a roster indicating their attendance.
  - e) At the end of the compliance workshop, each Vendor or representative of the Vendor shall sign a certification of understanding of the topics addressed during the compliance workshop.
- (Source: Amended at 17 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)
- SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES
- Section 672.405 WIC Vendor Contract Requirement
- All Authorizations to act as WIC Retail Vendors require a properly executed, valid written WIC Vendor Contract between the Department and the Vendor. In the retail purchase system, a standard WIC Vendor Contract shall be used statewide and shall expire annually. Exceptions to this requirement shall be made with the approval of the Director or designee consistent with USDA WIC Regulations (7 CFR 246.12 (f) (1)). Food Instruments accepted after the term of the contract expires will not be reimbursed by the Department's contract bank.
- a) A failure by a Vendor to provide any information, as specified herein, shall be deemed to constitute a material breach of contract.



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- b) Currently authorized WIC Retail Vendors shall be required to submit completed applications once every two (2) years.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 672.415 Food Instrument Processing

The Vendor shall submit Food Instruments for payment for the provision of WIC supplemental foods in the following manner:

- a) The Vendor shall ask the WIC Participant for the WIC Participant Identification Card and verify that the Participant name on the Food Instrument is the same as on the WIC Participant Identification Card. If the Participant sends a Proxy to obtain the foods, the Proxy's signature shall be on the WIC Participant Identification Card, but shall not be on the Food Instrument. The Vendor shall be allowed to request from the Proxy or Participant an additional form of identification with the Proxy's or Participant's name on it. If the Proxy or Participant does not have another form of identification, the Vendor shall have grounds to refuse the Proxy's or Participant's request to obtain the foods.
- b) The Vendor shall not accept a Food Instrument that is signed before the Vendor fills in the actual amount of sale.
- c) The Food Instrument shall be accepted only within the time limits specified on the Food Instrument.
- d) The Vendor shall ensure that the food items that the Participant or Proxy chooses to obtain, from the food items listed on the Food Instrument, are authorized WIC Foods and are the food items stated on the Food Instrument.
- e) The Vendor shall write the actual total shelf price or less on the Food Instrument. The Food Instrument shall be signed by the WIC Participant or the approved Proxy. Both of these actions shall take place at the Vendor Site unless the transaction is a Participant Requested Delivery. The Vendor shall not obtain the Participant/Proxy signature, until after the actual amount of sale is put on the Food Instrument.
- f) The Vendor shall verify the signature on the WIC Participant Identification Card against the signature on the Food Instrument as either the name of a Participant or a Proxy.
- g) The Vendor shall stamp the assigned four (4) digit Vendor Number on the Food Instrument in the space indicated.
- h) The Vendor shall deposit the Food Instrument in a local financial institution or the

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Department's contract bank within sixty (60) calendar days from the "First Day To Use" printed on the Food Instrument.

- i) Any Food Instrument improperly completed by the Vendor shall be rejected.  
(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 672.420 Specifications for Rejection of Food Instruments

a) Food Instruments shall be rejected for payment for the following reasons:

- 1) Submission of a Food Instrument before the "First Day To Use".
- 2) Submission of a Food Instrument for payment more than sixty (60) calendar days past the "First Day To Use".
- 3) Submission of a Food Instrument identified by the Department or the Department's contract bank as Invalid Vendor.
- 4) Submission of a Food Instrument by an unauthorized Vendor, or submission of a Food Instrument which has an unauthorized, inaccurate, or missing Vendor Number.
- 5) Submission of a Food Instrument without a Participant or Proxy signature.
- 6) Submission of a Food Instrument whose value is greater than the maximum value amount printed on the Food Instrument.
- 7) Submission of a Food Instrument which has been altered.
- 8) Submission of a Food Instrument which has been fraudulently created.
- 9) Submission of a Food Instrument after notice that a material breach of contract has occurred (Section 672.515(d)).
- 10) Submission of a Food Instrument accepted after the term of the contract expires.

b) The following Food Instruments presented to the Department's contract bank shall not be paid:

- 1) Food Instruments without the participant's signature.
- 2) Food Instruments with a missing, inaccurate, or Invalid Vendor Number;

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- 3) Food Instruments submitted for payment before the "First Day to Use";
  - 4) Food Instruments that have been altered;
  - 5) Food Instruments that are over the maximum value; or
  - 6) Food Instruments that have not been obligated by the local agency (stolen stock).
- c) Appeal procedures for Food Instruments rejected as "Invalid Vendor" and "Amount Invalid" are stated below:
- 1) The Vendor shall have the option to restamp the Food Instruments which were rejected for "Invalid Vendor". The corrected Food Instrument(s) may be resubmitted according to the instructions described in Section 672.415(g) and (h).
  - 2) The Vendor shall have the option to correct the "Actual \$ Amount of Sale" on the Food Instruments rejected for "Amount Invalid". The corrected Food Instrument(s) may be resubmitted according to the instructions in Section 672.415 (g) and (h).
  - d) Excessive rejection of Food Instruments shall be grounds for denial of authorization of the Vendor's Contract as cited in Section 672.220(g).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 672.425 WIC Retail Vendor Responsibilities

- a) The Vendor shall monitor the WIC Foods approved by the USDA and shall furnish only the prescribed quantities, types and brands of food specified on the Food Instrument. Pharmacies or drug stores which only redeem Food Instruments for infant packages, i.e., infant formula, infant cereal, and infant juice, shall be exempt from the minimum stock requirements of those foods which are not in the infant package. However, these establishments must have the ability to supply special formula in the necessary quantities upon request within twenty four (24) hours.
- b) The Vendor shall accept Food Instruments only within the time limits indicated on the Food Instruments and shall not receive payment for Food Instruments submitted before the "First Day to Use" or after the "Last Day to Use".
- c) The Vendor shall be responsible for payment and replacement of a lost, stolen or destroyed Vendor Number Stamp.

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- d) The Vendor shall display the price of WIC Foods, charged to the general public, in clear view of customers, identifying the price of the specific WIC Food item.
- e) The Vendor shall provide WIC Foods to Participants, or Proxies or Department Representatives at the same price or less than the price charged to non-WIC customers.
- f) The Vendor shall accept Food Instruments only from WIC Participants, Proxies or Representatives of the Department who present a WIC Participant Identification Card.
- g) The Vendor shall not issue a WIC Participant, Proxy or Department Representative any document (e.g., rain check) purporting to give the WIC Participant, Proxy or Department Representative the right to buy a WIC Food item or non-WIC Food item after the Food Instrument is signed by the Participant, or Proxy or Department Representative. The Vendor shall not exchange any WIC Food item under any circumstances.
- h) The Vendor shall charge the Department sale prices. The value of coupons and discounts shall be deducted from the price charged to the Department. The Participant, Proxy or Department Representative shall not be given cash for the difference.
- i) The Vendor shall participate in an annual WIC training program as specified in Section 672.310.
- j) The Vendor shall be responsible for all Food Instruments accepted and processed for payment by current and former employees at the Vendor Site. The Vendor shall also be responsible for the accuracy of any information submitted to the Department by such employees. The Vendor shall be responsible for reviewing Food Instruments which have been accepted to make certain that the total cost does not exceed the posted shelf prices or the prices charged to non-WIC customers.
- k) The Vendor shall abide by the USDA WIC Regulations, the Act, and this Part.
- l) The Vendor and his Business Entity shall be subject to review ~~audit~~ by the Department or USDA for the time period covering any present or previous Authorization. Documents to be maintained by the Vendor shall include but not be limited to:
  - 1) Original purchase order, including purchase order date; and
  - 2) Original vendor invoices, showing date, showing date received, revealing description of item(s) received, showing vendor model or item number, listing stock keeping unit identification number of item received (if different than the vendor unit ID number), listing quantity received by item, identifying item unit costs, furnishing item cost extension (item cost multiplied by item quantity received), and showing initials of employee receiving and counting inventory



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on behalf of store.

The Vendor shall maintain all records of purchases, gross sales receipts, and invoices of all WIC and non-WIC Foods for a period not less than three (3) years. The original of such records shall be made available to the Department or USDA upon reasonable request. The Vendor shall also provide the Department and USDA the opportunity to inspect all Food Instruments located at the Vendor Site or under the control of the Vendor.

m) The Vendor shall respond truthfully and accurately to Department initiated requests for Retail Vendor Price Surveys, verification of ownership of the Business Entity or Vendor Site, proof of WIC and non-WIC purchases and sales, and proof of the volume of alcoholic beverage sales. Such responses shall be in writing and be provided within fifteen (15) calendar days of receipt of the Department's request.

n) The Vendor shall maintain all refrigerated areas at a temperature of forty degrees Fahrenheit (40°F) or below, ~~and no WIC Foods shall exceed the expiration date printed on the food item.~~

o) The Vendor shall not exchange Food Instruments for any form of currency, or other items of value, nor provide the Participant, Proxy or Department Representative with any amount of currency or coin as change from a partial WIC Food transaction.

p) The Vendor shall not seek restitution from WIC Participants, Proxies or Department Representatives for Food Instruments not paid by the Department or fines levied by the Department, a financial institution or the Department's contract bank. The Vendor shall not seek or receive restitution from the Department for monetary penalties for rejected Food Instruments.

q) The Vendor shall not charge sales taxes for WIC Foods, as the Department is exempt from such tax under tax number E9984-1002-01.

r) The Vendor shall reimburse the Department for any Food Instruments redeemed in violation of the USDA WIC Regulations, the Act, this Part or the WIC Vendor Contract.

s) Neither Authorization as a WIC Vendor nor the WIC Vendor Contract constitutes employment between the Vendor and the Department as a State employee or provides eligibility for any employee benefits provided by the State of Illinois.

t) The Vendor shall offer the same courtesies to WIC Participants, Proxies or Department Representatives as offered to other customers.

u) When material information included in the Vendor's Application changes, the Vendor,

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by Certified Mail, shall notify the Department in writing, within thirty (30) calendar days.

v) The Vendor shall not deny a Participant, Proxy or Department Representative any WIC Foods indicated on the Food Instrument which the Vendor has in stock.

w) Neither the Vendor, nor his employee, shall require that a Participant, Proxy or Department Representative exchange their selection of WIC Foods because the WIC Foods selected exceed the maximum value of the Food Instrument. Nor shall the Vendor request or accept any remuneration for the difference between the Participant selected WIC Foods and the maximum value of the Food Instrument.

x) The Vendor shall allow WIC Participants, Proxies or Department Representatives freedom to select any WIC Foods in stock at the Vendor Site.

y) The Vendor shall not maintain in shelf stock any WIC Foods which meet the definition of "Expired Food". (See Section 672.100)

z) The Vendor shall not accept for payment or credit an unsigned Food Instrument.  
(Source: Amended at 18 Ill. Reg.                     , effective FEB 01 1994)

## Section 672.435 Conflict of Interest

The Vendor shall comply with the conflict of interest provisions of the Illinois Purchasing Act. (Ill. Rev. Stat. 199189, ch. 127, pars. 132.11-1 - 132.11-5) [30 ILCS 505/11.1-11.5]

(Source: Amended at 18 Ill. Reg.                     , effective FEB 01 1994)

## Section 672.440 Unlawful Discrimination

The Vendor shall not engage in unlawful employment discrimination barred by the Illinois Human Rights Act (Ill. Rev. Stat. 199189, ch. 68, par. 2-102(A)) [755 ILCS 5/2-102] nor engage in discrimination practices barred by USDA Regulations (Code of Federal Regulations, 7 CFR Parts 15, 15a and 15b).

(Source: Amended at 18 Ill. Reg.                     , effective FEB 01 1994)

## Section 672.450 Assignment or Transfer

a) The Vendor shall not sell, assign, or transfer in any manner its Authorization, the WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be a material breach of the WIC



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Vendor Contract

b). It shall also be a material breach of the WIC Vendor Contract if any unauthorized individual, corporation, partnership, limited partnership, unincorporated association or former vendor improperly acquires WIC Authorization after the death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm, and shall subject the Vendor to termination of its Authorization and a fine assessment in accordance with Sections 672.515 and 672.520 of these rules. In addition, any assignee, transferee, buyer, or recipient of a Vendor's Authorization, WIC Vendor Contract, WIC Vendor Stamp, or WIC Vendor Number shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(f) of these rules.

c). At least fifteen (15) calendar days in advance, the Vendor shall notify the Department of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity, or of any sale of a majority interest in the Vendor's Corporation, partnership, sole proprietorship, or business entity. Such notification shall be sent by certified mail and in writing to the place and address listed in the WIC Vendor Contract, Section XVI Notices.

The Vendor shall not sell, assign, or transfer in any manner the Authorization, the WIC Vendor Contract, the WIC Vendor Stamp, or the WIC Vendor Number. Any actual or attempted sale, assignment or transfer of the above shall be considered a breach of the WIC Vendor Contract. The death of a Vendor (if an individual) or the voluntary or involuntary dissolution of a Vendor corporation, partnership, limited partnership, unincorporated association, or firm shall cause the Vendor's Authorization and WIC Vendor Contract to be subject to Section 672.515 (h) and 672.520. Any assignee, transferee, buyer, or recipient who uses a WIC Vendor Stamp which was assigned by the Department to an Authorized WIC Vendor shall be in violation of this Part and shall be subject to the sanctions set forth in Section 672.510(g). The Vendor has an affirmative duty to notify the Department in writing at the place listed in the WIC Vendor Contract, fifteen (15) calendar days in advance of any scheduled sale, lease, bankruptcy or cessation of the Vendor's Business Entity or the sale of any majority interest of any corporation or partnership.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

## Section 672.505 Violations

Violations shall be classified as either Class A Violations, Class B Violations, or Class C Violations. Each Class of violation is listed below.

a) Class A Violations:

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A) civil money penalty

B) suspension

C) disqualification

D) permanent disqualification

2) Exchanging cash or credit for Food Instrument(s).

3) Exchanging non-food items or alcoholic beverages for Food Instrument(s).

4) Receiving, transacting or redeeming WIC Food Instruments from any source other than a Participant, a Proxy or a Representative of the Department.

45) Charging WIC Participants, Proxies or Department Representatives more for WIC Foods than non-WIC customers or charging more than the posted shelf price.

56) Charging the WIC Program for WIC Foods not received by the Participant, Proxy or Department Representative or for foods provided in excess of those listed on the Food Instruments.

67) Claiming reimbursement for the sale of any amount of WIC Food item which exceeds the store's documented inventory of that food item for a specified period of time.

7) Submitting false information on the application or WIC Retail Vendor Contract.

8) Exchanging credit for WIC Food Instrument(s).

9) Exchanging alcohol for WIC Food Instrument(s).

10) Receiving WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.

11) Transacting WIC Food Instrument(s) from any source other than a Participant, a Proxy or a Representative of the Department.

12) Redeeming WIC Food Instrument(s) which have been received from any source other than a Participant, a Proxy or a Representative of the Department.

13) Charging WIC Participants, Proxies or Department Representatives more than

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the Posted Shelf Price.

14) Charging the WIC Program for WIC Foods provided in excess of those listed on the WIC Food Instrument(s).

15) Failure to maintain the minimum required quantity, size and type foods in at least three (3) WIC Foods excluding infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

16) Failure to maintain the minimum required quantity, size and type of infant formula as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract. (See definition of "Minimum Supply of WIC Foods" in Section 672.100.)

b) Class B Violations:

1) Substitution of unauthorized foods not specified on the Food Instruments or WIC Food List.

2) Failure to maintain the minimum ~~stock~~ required requirements quantity, size and type foods, as identified in the Minimum Supply of WIC Foods and specified in the WIC Vendor Contract, but only if this failure is for two (2) or fewer WIC Foods excluding infant formula. (See the definition of "Minimum Supply of WIC Foods" in Section 672.100.)

3) Requiring a Participant to select a different type or brand of WIC Foods when not specified on the Food Instrument.

4) Altering or submitting for payment altered Food Instruments.

5) Failure to post current shelf prices for WIC Foods.

56) Accepting any remuneration for the difference between the maximum value of the Food Instrument and the shelf price of the WIC Foods.

67) Having any expired WIC approved Food(s) on the shelf. (See Section 672.100 "Expired Food")

7) Acceptance of a Food Instrument that is signed by the Participant, Proxy, or Department Representative before the total actual cost is filled in by the Vendor.

8) Refusing to allow Participants, Proxies or Department Representatives to take

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all food items listed on the Food Instrument.

9) Not posting the shelf price for WIC Foods. If no price is posted, then for purposes of this section, the Posted Shelf Price shall be deemed to be the average price for a particular food based on the Retail Vendor Price Surveys performed pursuant to this Part, for stores of like size and location.

10) The possession, the display on the shelf in the Vendor site, the attempted sale or actual sale of food products which originated from the WIC Food Centers or the Commodity Supplemental Food Program (CSFP).

c) Class C Violations:

1) Exchanging cash or credit for Food Instruments without a valid WIC Retail Vendor Contract. Failure to submit Retail Vendor Price Surveys requested by the Department.

2) Exchanging alcoholic beverages, food or non-food items for WIC Food Instruments without a valid WIC Retail Vendor Contract. Failure to submit information requested by the Department within the time period specified by the Department.

3) Exchanging WIC Food Instruments for cash, credit or favors without a valid WIC Retail Contract. Acceptance of Food Instrument that is signed by the Participant, Proxy or Department Representative before the total actual cost is filled in by the Vendor.

4) Failure to attend and annual Retail Vendor training program.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

Section 672.510 WIC Vendor Sanctions

Any Class A, B, or C Violation shall require the Vendor, former vendor, or any person or entity engaged in the activity of a WIC Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments accepted without a valid contract. Any Class A or B Violation shall require the Vendor or former Vendor to reimburse the Department for any overcharges, charges for items not received, monies paid for products not authorized as WIC Foods, and monies paid for Food Instruments without a valid contract.

a) Any Class A Violation shall constitute grounds for termination of Authorization pursuant to Sections 672.515 and 672.520. The length of such termination shall constitute, at a minimum, termination from the WIC Program for a period of two (2) ~~one~~



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(2) (4) years. Each such Class A Violation shall also subject a Vendor to a fine assessment of five thousand dollars (\$5,000) ~~the two thousand five hundred dollars (\$2,500)~~ and attendance at a compliance training workshop except for the violations cited in Section 672.505 (a) (1).

b) Any Class B Violation shall constitute grounds for the following sanctions:

- 1) The WIC Retail Vendor shall be fined \$2,000 for each Class B Violation. This fine shall be paid and received by the Department within thirty (30) calendar days from the date of the final order. For the first Class B Violation, the WIC Retail Vendor shall be given written notice of the violation and shall be given an Administrative Warning.
- 2) If the Vendor fails to pay the fine within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of two thousand dollars (\$2,000) shall be required to reinstate Vendor Authorization. (See Sections 672.515, 672.520, and 672.615). For the second Class B Violation committed within twenty-four (24) months of the first Class B Violation, the Vendor shall be subject to a fine assessment of one thousand dollars (\$1,000). The Vendor shall also be required to attend a compliance training workshop as specified in Section 672.315.

3) The third Class B Violation committed within twenty-four (24) months of the first Class B Violation shall be grounds for termination of the Vendor Authorization pursuant to Section 672.520 and a fine assessment of two thousand five hundred dollars (\$2,500).

c) Any Class C Violation shall constitute grounds for the issuance of a written order which prohibits the person from engaging in the business of a Vendor and the assessment of a fine as detailed in subsection (f) below. issuance of an Administrative Warning.

d) The time period of twenty-four (24) months referenced in subsections (b)(2) and (b)(3) above shall commence from the time the notice of violation, termination or fine assessment is issued by the Department.

de) All fine assessments shall be paid within thirty (30) calendar days from date of final order by cashier certified check or money order in United States currency. If the fine assessment is not received by the Department within thirty (30) calendar days from the date of the final order, any collection fees and any other costs associated with the collection of the fine assessment shall be paid in addition to the fine.

ef) Any and all compliance training workshops required by the Department for the Vendor or former Vendor, shall be attended within one hundred eighty (180) calendar days

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from the date of final order.

(g)

If any former Vendor, individual, business entity, or commercial enterprise, has met the criteria set forth in Section 672.515(d)(4), this shall constitute grounds for the Department to impose a fine of five thousand dollars (\$5,000) ~~two thousand five hundred dollars (\$2,500)~~ for each month that the former Vendor, individual, business entity or commercial enterprise accepts, submits or deposits Food Instruments for reimbursement from the Department's contract bank. The total fine shall not exceed fifteen thousand dollars (\$15,000) ~~seven thousand five hundred dollars (\$7,500)~~. The former Vendor, individual, business entity, or commercial enterprise will reimburse the Department for the "Actual \$ Amount of Sale" indicated on Food Instruments and submitted to the Department's contract bank, or the total amount which was credited or paid by the Department's contract bank to the former vendor, individual, business entity, or commercial enterprise, as cited in Section 672.515(d)(4).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

Section 672.515

Criteria for Termination of Authorization, Prohibition, and/or Fine Assessment

a)

A determination by the Director or his designee to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:

1a) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;

2b) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;

3e) the Vendor has refused to allow the Department access to inspect the Vendor Site during normal business hours;

4d) the Vendor has been found by the Department to have violated provisions of Section 672.505 (a) ~~or (b)~~;

5e) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue; or

6f) the Vendor has not fulfilled the terms of the WIC Vendor Contract;



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- b) A determination by the Director or designee to impose a fine shall be based upon a finding that the Vendor has been found by the Department to have violated provisions of Section 672.505(b).
- c) A determination by the Director or designee to terminate Authorization shall be based upon a finding that one or more of the following criteria are met:
- 1g) the Vendor has sold, leased, assigned, transferred or discontinued the Business Entity or moved the Business Entity to a new location or new address; or
  - 2h) the Vendor corporation, partnership, or limited partnership has been voluntarily or involuntarily dissolved or that the Vendor sole proprietor has died; or
  - d) A determination by the Director or designee to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, business entity or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(f).
  - e) a former Vendor, individual, business entity or commercial enterprise accepts or receives credit/payment for Food Instruments without a valid WIC Vendor Contract. See Section 672.510(g).
  - e) A determination by the Director or designee to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this part which shall be deemed a material breach of contract.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

Section 672.520 Suspension of Authorization, Termination of Authorization, Prohibition, and/or Fine Assessment

- a) The termination of Authorization as a WIC Retail Vendor, prohibition of activity, and/or imposition of a fine assessment shall occur when the Director or his designee finds that the Vendor, individual, business entity or commercial enterprise that engages in WIC Vendor activities, meets any of the criteria set forth in Section 672.515.
- b) When the Director or his designee determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, business entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:
  - 1) A statement of the nature of the basis for the adverse actions. The statement

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shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the termination is based.

- 2) A description of the right of the Vendor, individual, business entity or commercial enterprise to appeal the adverse action and the right to a hearing.
- (Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Applicability (Repealed)

- a) This Subpart shall govern all formal administrative hearings for the Department relating to the denial or termination of Authorization as a WIC Retail Vendor in Illinois, any penalty assessments, and the requirement to attend a compliance training workshop as a result of violations of the USDA WIC Regulations, the Act, or this Part.
- b) Article II of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-101 et seq.) and Article II of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1991, ch. 110A, par. 1-11 et seq.) are incorporated into this Subpart for use in all formal administrative hearings under this Part. In case of conflict between Article II of the Code of Civil Procedure or Article II of the Illinois Supreme Court Rules, the provisions of this Subpart shall control.
- c) These rules do not govern the various informal administrative procedures which the Department may pursue prior to issuing a notice of violation.

(Source: Repealed at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

Section 672.605 Parties to Hearings

The Department and the Applicants, or Vendors, former Vendors, or any person or entity engaged in the activity of a WIC Vendor shall be the only parties to administrative hearings before the Department

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 0 1 1994)

Section 672.610 Appearance and Representation of a Party

- a) A party may be represented by an attorney who is licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth

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- 1) the name, address and telephone number of the attorney;
- 2) the name and address of the party represented; and
- 3) an affirmative statement indicating that the attorney is licensed to practice law in Illinois.

b) An attorney, licensed to practice law, may withdraw from employment as a representative only upon written notice to the Department stating the reasons for withdrawal and consistent with the Code of Civil Procedure. (Ill. Rev. Stat. 1991, ch. 110, par. 1-101.) [735 ILCS 5/1-101] Such withdrawal shall require an appropriate ruling by the Administrative Law Judge Hearing Officer.

c) A sole proprietor who is authorized as a WIC Retail Vendor or former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard on his own behalf.

d) A corporation or association which is authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor shall appear and be heard only by an attorney licensed to practice in the State of Illinois.

e) A partnership or limited partnership authorized as a WIC Retail Vendor or was authorized as a former Vendor, or any person or entity engaged in the activity of a WIC Vendor may appear and be heard by any partner, upon presentation to the Department of written authorization from all partners authorizing him to act in a representative capacity.

f) Special appearances are not recognized. The initial appearance regardless of form is deemed a general appearance.

g) Each party to a proceeding who appears before the Department either in person or by counsel, shall inform the Department in writing or upon the record of the address at which any notice or other document may be served upon him or her in such proceeding. All further service may be made by regular mail unless otherwise required by statute or rule. Service shall be presumed unless disputed in the record.

h) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility, effective December, 1989, and as amended. Any failure to behave in a manner which permits the efficient functioning of the hearing will authorize the Administrative Law Judge Hearing Officer to take the following actions:

- 1) limitation of evidence;

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- 2) substitution of written argument in place of oral argument; or
- 3) exclusion of an attorney from the proceeding.

(Source: Amended at 18 Ill. Reg.           , effective FEB 01 1994)

## Section 672.615 Commencement of an Action

Administrative actions under this ~~Part~~these rules shall be commenced by the Director or designee signing and issuing a notice of violation, termination, or penalty assessment or as a result of a request for a hearing by an Applicant resulting from denial of Authorization. The effective date of any notice of violation, termination, or penalty assessment or any denial of authorization shall be not less than 15 days from the date of receipt of such notification.

a) For notice in all actions under this Part, the Department shall serve on all parties to a Contested Case a notice of an opportunity for an administrative hearing. The notice shall be signed by the Director.

- 1) The notice of an opportunity for an administrative hearing shall contain:

A) a statement of the nature of the hearing;

B) a statement of the date and place at which a request for a hearing from the person given the opportunity for a hearing is to be received by the Department, and the date set for receipt of the request for a hearing shall be at least fifteen (15) calendar days from the date the notice is mailed or personally served;

C) a statement of the legal authority and jurisdiction under which the hearing is to be held;

D) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part; and

E) unless accompanied by a notice of violation, a short, plain statement of the matters asserted.

- 2) An administrative hearing must be requested within fifteen (15) calendar days of receipt.

- 3) An Applicant or a WIC Retail Vendor who receives a notice of an opportunity for an administrative hearing must submit a written request for the hearing to the Department. The request is to be sent to the Department at the address stated in the notice and must be postmarked by the date set forth in the

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notice. Failure to comply with this rule shall constitute a waiver of the person's right to an administrative hearing.

- b) Upon receipt of the request for a hearing within the stated time frame, the Department shall issue a notice of an administrative hearing. The notice of an administrative hearing shall contain:

- 1) a statement of the nature of the hearing;
- 2) a statement of the time and place of the hearing or if a pre-hearing or conference is scheduled by the Department, the time and place of the conference;
- 3) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 4) a reference to the applicable sections of USDA WIC Regulations, the Act, or this Part.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

Section 672.620

Motions

- a) Motions, unless made during a hearing or the pre-hearing conference, shall be made in writing and shall be set for the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of motion. Motions to amend the notice of violation and answer may be allowed in accordance with Section 2-616 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-616) [735 ILCS 5/2-616], upon proper motion at any time during the pendency of the proceeding, such motion shall not effect the hearing timeframes set forth in this Part. Motions based on a matter which does not appear of record shall be supported by affidavit.

- b) Written motions shall be titled as to the party making the motion and the nature of the relief sought. Such title shall be in capital letters and shall be placed below the caption or to the right of the caption beneath the docket number. No motion shall be identically titled with any other Motion.

- c) If not raised at the earliest opportunity, motions to the pleadings shall be deemed waived. Motions to the pleadings shall not be granted if the pleadings are in conformity with Section 672.625 of this Part or the information sought is obtainable through discovery.

- d) The Administrative Law Judge Hearing Officer shall not have the authority to postpone, vacate, or overturn an order of the Department, but may make a

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recommendation to the Director any time before he issues the Administrative Law Judge's Hearing Officer's report that an interim order be issued postponing, vacating, or overturning the order if circumstances merit such a recommendation.

- e) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1007) [735 ILCS 5/2-1007]. Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.

- 1) Only one continuance shall be allowed for the Vendor and Department. No continuance may be for more than fourteen (14) calendar days.
- 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."

- 3) Whenever possible as much of the hearing as possible shall be heard and only those matters that must be continued shall be continued.

- f) All motions, petitions and other pleadings under this Section shall be filed with the Administrative Law Judge Hearing Officer with a copy being sent to all other parties.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

Section 672.640 Pre-Hearing Conferences

- a) A pre-hearing conference shall be scheduled by the Administrative Law Judge Hearing Officer or the Department as a result of a request pursuant to subsection (b). (See Section 672.615(b)). This conference shall be held prior to the date of hearing and shall be for the purpose of considering:

- 1) the simplification of the issues;
- 2) amendments to the pleadings;
- 3) the possibility of obtaining admissions of fact and of documents which shall avoid unnecessary proof;
- 4) the limitation of the number of expert witnesses; and
- 5) any other matters which may aid in the disposition of the hearing.

- b) After a pre-hearing conference, the Administrative Law Judge Hearing Officer shall



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make a report which recites any action taken by the Administrative Law Judge Hearing Officer and any agreements made by the parties as to any of the matters considered and which specifies as the issues for hearing those not disposed of at the conference.

- c) A certified stenographic reporter shall not be present at a pre-hearing conference unless one of the parties to the proceeding requests the Department to make arrangements for a court reporter to be present. Such request must be received by the Department at least two (2) working days in advance of the scheduled pre-hearing conference. The party requesting the presence of the court reporter shall be billed directly for the services of the reporter.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, FEB 01 1994)

## Section 672.645 Conduct of Hearings

- a) All hearings conducted in any proceedings shall be open to the public.

- b) Hearings shall be conducted by the Director or by a Administrative Law Judge Hearing Officer appointed by the Director. If the Director conducts the hearings, any reference, to this Part to the Administrative Law Judge Hearing Officer, shall be read to refer to the Director.

- c) The Administrative Law Judge Hearing Officer shall conduct hearings; administer oaths; issue subpoenas; regulate the course of hearings; hold informal conferences for the settlement, simplification or definition of issues; dispose of procedural requests, motions, and similar matters; continue the hearing from time to time when necessary; examine witnesses; rule upon the admissibility of evidence and amendments to pleadings; issue recommended findings to the Director.

- d) The Administrative Law Judge Hearing Officer shall direct all parties to enter their appearances on the record.

- e) The Administrative Law Judge Hearing Officer shall be appointed by the Director and shall be an attorney licensed to practice law in the State of Illinois.

- f) Written opening arguments, written closing arguments, legal memorandum, trial briefs, or similar documents shall not be permitted unless all parties so stipulate. This rule shall not prohibit the Administrative Law Judge Hearing Officer from requesting that certain issues be briefed by the parties.

- g) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding. Unless precluded by law, disposition may be made of any Contested Case by stipulation, agreed settlement, consent order, or default.

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- h) At any stage of the hearing or after all parties have completed the presentation of their evidence, the Department, or its Administrative Law Judge Hearing Officer may call upon any party, technical staff of the Department, or other departments of state government, or state universities for further materials or relevant evidence upon any issue.

- i) The rules of evidence and privilege as applied in civil cases in the circuit court of this State shall be followed. However, evidence not admissible under such rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonable prudent persons in the conduct of their affairs. Immaterial, irrelevant, or unduly repetitious material shall be excluded. All admissible evidence shall be considered in accordance with its relative probative value in formulating the final decision of the Director and also in formulating the findings of fact and conclusions, of law which support the decision. A copy of the whole or any part of an admissible book, record, paper, or memorandum of the Department which is made by photostatic or other method of accurate and permanent reproduction may be admitted in evidence at the hearing without further proof of the accuracy of such copy. When any material or relevant matter offered in evidence by any party is embraced in a book, paper, or document containing other matter not material or relevant, the party offering the same shall plainly designate the matter so offered. In any hearing conducted pursuant to this Part, the Administrative Law Judge shall admit a photograph of any money or other property alleged to have been exchanged for a WIC Food Instrument as competent evidence of the money or other property. It is not a prerequisite to application of this Section that the money or property is unavailable. Objections to evidentiary offers may be made and shall be noted in the record.

- j) Official notice may be taken of matters of which circuit courts of this State may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Department's experience, technical competence and specialized knowledge may be utilized in the evaluation of evidence.

- k) The Department will arrange for a certified stenographic reporter to make a stenographic record of the hearings in all administrative hearings under this Part. Any person may make arrangements to obtain a copy of the stenographic record from the reporter. The Department reserves the right to employ a certified stenographic reporter. A copy of any stenographic record made by a Department employee may be purchased from the Department at a cost of one dollar (\$1) per page.

- l) Suggested corrections to the transcript of record may be offered within five (5) calendar days after the transcript is filed in the proceedings, unless the Director or the

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Administrative Law Judge Hearing-Officer permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon or brought to the attention of such party, whose appearance is of record, or his attorney, the official reporter, or the Administrative Law Judge Hearing-Officer. If suggested corrections are not objected to, the Administrative Law Judge Hearing-Officer shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Administrative Law Judge Hearing-Officer, who shall then determine the manner in which the record shall be changed, if at all.

- m) No exception need be taken to any ruling or action of the Department or of its Administrative Law Judge Hearing-Officer.
- n) Venue shall be the location designated in the notice of administrative hearing or notice of an opportunity for an administrative hearing. Venue may be moved to another location only upon stipulation by all parties or ordered by the Administrative Law Judge Hearing-Officer.
- o) If a party, or any person at the instance of or in collusion with a party, violates any of this Part or ruling of the Administrative Law Judge Hearing-Officer, the Administrative Law Judge Hearing-Officer, on motion, may enter such orders as are just, including, among others, the following:

- 1) that further proceedings be stayed until the order or rule is complied with;
- 2) that the party in violation be barred from filing any other pleading relating to any issue to which the refusal or failure relates;
- 3) that he be barred from maintaining any particular claim or defense relating to that issue;
- 4) that a witness be barred from testifying concerning that issue;
- 5) that, as to claims or defenses asserted in any pleading to which that issue is material, a judgment by default be entered against the offending party or that his notice or petition suit be dismissed with or without prejudice; or
- 6) that any portion of his pleadings relating to that issue be stricken and judgment be entered as to that issue.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ FEB 0 1 1994)

Section 672.650)

Subpoenas

- a) Subpoenas requiring the attendance and the giving of testimony by witnesses, and

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subpoenas duces tecum requiring the production of books, papers, records or memoranda may be issued by the Director or the Administrative Law Judge Hearing-Officer upon his own motion or upon the written request of any party to the proceeding. The Director or the Administrative Law Judge Hearing-Officer may require the party requesting the issuance of subpoenas to demonstrate the relevancy of the request to the issues in the hearing.

- b) Subpoenas issued by the Director or the Administrative Law Judge Hearing-Officer upon the request of a party to the proceeding shall be delivered to the requesting party who shall be responsible for serving the subpoenas. Subpoenas shall be served personally, transmitted by facsimile or by Certified Mail.

- c) The witness fee for attendance and travel shall be the same as the fee of the witnesses before the Circuit Courts of this State. When a witness is subpoenaed by the Director or Administrative Law Judge Hearing-Officer upon his own motion or upon the request of the Department, the witness fee shall be the same as the fee of the witnesses before the Circuit Courts of the State and the travel expenses shall be paid in accordance with the State travel rules (80 Ill. Adm. Code 3000).

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_ FEB 0 1 1994)

Section 672.664)

Administrative Law Judge's Hearing-Officer's Report and Final Decision

- a) At the conclusion of a hearing at which the Director has not presided, the Administrative Law Judge Hearing-Officer shall make a report of the hearing, with his findings of fact and conclusions of law and his recommendations, if any, to the Director. This which report shall be accompanied by a transcript of the record, all exhibits admitted into evidence, copies of all pleadings and documents or evidence made a part of the record and any other material which is deemed to be a part of the record.
- b) The Director or his designee shall review the entire record of administrative proceedings as set forth in Section 672.670 and shall issue a final order within ninety (90) calendar days of the receipt of the request for a hearing.
- c) The Director shall adopt a final decision in each case supported by concise findings of fact and appropriate conclusions of law. The decision and supporting findings of fact and conclusions of law shall be made a part of the official record of each hearing. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the finding.

- d) A copy of any decision or order of the Director shall be served personally or by Certified Mail or by registered mail upon all parties of record or their agents appointed to receive service.

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(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

## Section 672.665 Records of Proceedings

a) A full and complete record shall be kept of all proceedings. The record shall consist of the following:

- 1) all pleadings (including all notices and responses thereto), motions, and rulings;
- 2) a transcript of the hearing, if any, and all evidence received;
- 3) a statement of matters officially noticed;
- 4) offers of proof, objections and ruling thereon;
- 5) proposed findings and exceptions;
- 6) any decision, opinion or report by the Administrative Law Judge Hearing Officer;
- 7) all staff memoranda or data submitted to the Administrative Law Judge Hearing Officer or members of the Department in connection with their consideration of the case; and
- 8) any communication prohibited by Section 15 of the IAPA; however, such communications shall not form the basis for any finding of fact.

b) Unless a party requests that the following documents be included in the record, the following shall be excluded from the record:

- 1) subpoenas;
- 2) requests for subpoenas;
- 3) cover letters;
- 4) notices of filing or proofs of service; and
- 5) certificates of mailing for regular mail.

(Source: Amended at 18 Ill. Reg. \_\_\_\_\_, effective FEB 01 1994)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:  
100.3350 Amendment
- 4) Statutory Authority: Section 304 of the Illinois Income Tax Act [35 ILCS 5/304]
- 5) Effective Date of Amendment(s): JAN 28 1994
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: JAN 28 1994
- 9) Notice of Proposal Published in Illinois Register:  
October 15, 1993, Issue #42, 17 Ill. Reg. 17861
- 10) Has ICAR issued a Statement of Objections to these Amendments? No.
- 11) Differences between proposal and final version: In response to a suggestion of the Administrative Code Division of the Secretary of State, the Department inserted the heading for Subpart L at the beginning of the text of Section 100.3350 in the Illinois Register version of the rulemaking.

Pursuant to discussions with the Joint Committee on Administrative Rules, the following changes were made:

1. In Section 100.2250 of the Table of Contents we changed "19865" to "1986."
2. We deleted the Illinois Revised Statute citations leaving on the citations to the Illinois Compiled Statutes.
3. The first Illinois Compiled Statutes citation in the Authority note was changed to read "[35 ILCS 5]".
4. We changed the word "state" to "State" in:
  - the first and last sentences of Subsection 100.3350(c),
  - the first sentence of subsection 100.3350(d),
  - twice in the fourth sentence of subsection 100.3350(d), and



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-- the first sentence of subsection 100.3350(e)(3) (there is a typo in the JCAR agreements letter that lists this as subsection (d)(3)).

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	IL Register Citation
100.2470	New Section	17 Ill. Reg. 17861

15) Summary and Purpose of Amendment(s): Section 304 of the Illinois Income Tax Act provides that if a person other than a resident derives business income from this State and one or more other states, such person's business income shall be apportioned to this State by use of a formula. This formula is a fraction, the numerator of which is a sum of the property factor (if any), the payroll factor (if any) and 200% of the sales factor (if any) and the denominator of which is four. This rulemaking amends the Department's rules concerning the calculation of the property factor of the apportionment formula. The property factor is a fraction, the numerator of which is the average value of the person's real and tangible personal property owned or rented and used in the trade or business in this State during the taxable year and denominator of which is the average value of all the person's real and tangible personal property owned or rented and used in the trade or business during the taxable year. The rulemaking amends Section 100.3350(e) to clarify that the valuation of property owned by the person shall include intangible drilling and development costs. The rule provides examples of the types of items that make up such costs.

16) Information and questions regarding this adopted amendment shall be directed to:

Keith W. Staats  
Staff Attorney  
Legal Services Bureau  
Illinois Department of Revenue  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-7054

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER I: DEPARTMENT OF REVENUE

## PART 100

## INCOME TAX

## SUBPART A: TAX IMPOSED

Section 100.2000	Introduction
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Section

100.9800

Letter Ruling Procedures

## APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Table A

Example of Unitary Business Apportionment

Table B

Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

**AUTHORITY:** Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1-101 et seq. [35 ILCS 5/401 et seq.]) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 14-1401) [35 ILCS 5/1401].

**SOURCE:** Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 1, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_; amended at 18 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section 100.3350 Property Factor (IITA Section 304)

a) In general. The property factor of the apportionment formula for each trade or business of a person shall include all real and tangible personal property owned or rented by such person and used during the tax period in the regular course of such trade or business. The term "real and tangible personal property" includes land, building, machinery, stocks of goods, equipment, and other real and tangible personal property but does not include coin or currency. Property used in connection with the production of nonbusiness income shall be excluded from the property factor. Property used both in the regular course of a person's trade or business and in the production of nonbusiness income shall be included in the factor only to the extent the property is used in the regular course of the person's trade or business. The method of determining that portion of the value to be included in the factor will depend on the facts of each case. The property factor shall include the average value of property includable in the factor. See 86 Ill. Admin. Code subsection 100.3350(g), below.

b) Property used for the production of business income. Property shall be included in the property factor if it is actually used or is available for or capable of being used during the tax period in the regular course of the trade or business of the person. Property held as reserves or standby facilities or property held as a reserve source of materials shall be included in the factor. For example, a plant temporarily idle or raw material reserves not currently being processed are includable in the factor. Property or equipment under construction during the tax period (except inventoriable goods in process), shall be excluded from the factor until such property is actually used in the regular course of the trade or business of the person. If the property is partially used in the regular course of the trade or business of the person while under construction, the value of the property to the extent used shall be included in the property factor. Property used in the regular course of the trade or business of the person shall remain in the property factor until its permanent withdrawal is established by an identifiable event such as its conversion to the production of nonbusiness income, its sale, or the lapse of an extended period of time (normally five years) during which the property is held for sale.

- 1) Example 1: Corporation A closed its manufacturing plant in State X and held such property for sale. The property remained vacant until its sale one year later. The value of

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the manufacturing plant is included in the property factor until the plant is sold.

- 2) Example 2: Same as above except that the property was rented until the plant was sold. The plant is included in the property factor until the plant is sold.
- 3) Example 3: Corporation A operates a chain of retail grocery stores. The corporation closed Store A, which was then remodeled into three small retail stores, such as a dress shop, dry cleaning, and barber shop, which were leased to unrelated parties. The property is removed from the property factor on the date the remodeling of Store A commenced.

- c) Consistency in reporting. In filing returns with this State, if a person departs from or modifies the manner of valuing property, or of excluding or including property in the property factor used in returns for prior years, the person shall disclose in the return for the current year the nature and extent of the modification. If the person or reports filed by the person with all states to which the person reports under Article IV of the Multistate Tax Compact or the Uniform Division of Income for Tax Purposes Act are not uniform in the valuation of property and in the exclusion or inclusion of property in the property factor, the person shall disclose in its return to this State the nature and extent of the variance.

- d) Numerator. The numerator of the property factor shall include the average value of the real and tangible personal property owned or rented by the person and used in this State during the tax period in the regular course of the trade or business of the person. Property in transit between locations of the person to which it belongs shall be considered to be at the destination for purposes of the property factor. Property in transit between a buyer and seller which is included by a person in the denominator of its property factor in accordance with its regular accounting practices shall be included in the numerator according to the state of destination. The value of mobile or movable property such as construction equipment, trucks or leased electronic equipment which are located within and without this State during the tax period, shall be determined for purposes of the numerator of the factor on the basis of total time within the State during the tax period. An automobile assigned to a traveling employee shall be included in the numerator of the factor of the state to which the employee's compensation is

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assigned under the payroll factor or in the numerator of the state in which the automobile is licensed.

- e) Valuation of owned property. Property owned by the person shall be valued at its original cost. As a general rule "original cost" is the basis of property for federal income tax purposes at the time of acquisition and will not reflect any federal adjustments thereafter for deductions for depreciation, depletion, amortization and the like.

- 1) In addition, however, the valuation will include the original cost, at acquisition, of any capital improvement as well as partial dispositions of any portion by reason of sale, exchange, abandonment, etc.

- 2) However, capitalized intangible drilling and development costs shall be included in the property factor whether or not they have been expensed for either federal or state tax purposes. Intangible drilling and development costs include such elements as wages, fuel, repairs, hauling, draining, roadbuilding, surveying, geological works, construction of derricks, tanks, pipelines, and other physical structures necessary for the drilling of wells and their preparation for the production of oil and gas, and supplies incident to and necessary for the drilling of wells and clearing of ground.

- 3\*) Example 1: Corporation W acquired a factory building in this State at a cost of \$500,000 and 18 months later expended \$100,000 for major remodeling of the building. The corporation files its return for the current taxable year on the calendar-year basis. Depreciation deduction in the amount of \$22,000 was claimed on the building for its return for the current taxable year. The value of the building includable in the numerator and denominator of the property factor is \$600,000 as the depreciation deduction is not taken into account in determining the value of the building for purposes of the factor.

- 4\*) Example 2: During the current taxable year, X Corporation merges into Y Corporation in a tax-free reorganization under the Internal Revenue Code. At the time of the merger, X Corporation owns a factory which X built five years earlier at a cost of \$1,000,000. X has been depreciating the factory at the rate of two percent per year, and its basis in X's hands at the time of the merger is \$900,000. Since the property is acquired by Y in a transaction in which, under the Internal Revenue Code, its basis in Y's hands is the



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same as its basis in X's, Y includes the property in Y's property factor at X's original cost, without adjustment for depreciation, i.e., \$1,000,000.

53)

Example 3: Corporation Y acquires the assets of Corporation X in a liquidation by which Y is entitled to use its stock cost as the basis of the X assets under 26 U.S.C. Section 334(b)(2) (i.e., stock possessing 80 percent control is purchased and liquidated within two years). Under these circumstances, Y's cost of the assets is the purchase price of the X stock, prorated over the X assets.

A) If original cost of property is unascertainable, the property is included in the factor at its fair market value as of the date of acquisition by the person.

B) Inventory or stock of goods shall be included in the factor in accordance with the valuation method used for federal income tax purposes.

C) Property acquired by gift or inheritance shall be included in the factor at its basis for determining depreciation for federal income tax purposes.

## f) Valuation of rented property:

1) Property rented by the person is valued at eight times the net annual rental rate. The net annual rental rate for any item of rented property is the annual rental rate paid by the person for such property, less the aggregate annual subrental rates paid by subtenants of the person. (See 86 Ill. Adm. Code Section 100.3380(a) for special rules where the use of such net annual rental rate produces a negative or clearly inaccurate value or where property is used by the person at no charge or rented at a nominal rental rate.) Subrents are not deducted when the subrents constitute business income because the property which produces the subrents is used in the regular course of a trade or business of the person when it is producing such income. Accordingly there is no reduction in its value.

A) Example A: Corporation A receives subrents from a bakery concession in a food market operated by it. Since the subrents are business income they are not deducted from the rent paid by Corporation A for the food market.

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B) Example B: Corporation B rents a 5-story office building primarily for use in its multistate business, uses three floors for its offices and subleases two floors to various other businesses and persons such as professional people, shops and the like. The rental of the two floors is attendant to the operation of the corporation's trade or business. Since the subrents are business income they are not deducted from the rent paid by the corporation.

C) Example C: Corporation C rents a 20-story office building and uses the lower two stories for its general corporation headquarters. The remaining 18 floors are subleased to others. The rental of the eighteen floors is not attendant to but rather is separate from the operation of the corporation's trade or business. Since the subrents are nonbusiness income they are to be deducted from the rent paid by the corporation.

2)

"Annual rental rate" is the amount paid as rental for property for a 12-month period (i.e., the amount of the annual rent). Where property is rented for less than a 12-month period, the rent paid for the actual period of rental shall constitute the "annual rental rate" for the tax period. However, where a corporation has rented property for a term of 12 or more months and the current tax period covers a period of less than 12 months (due, for example, to a reorganization or change of accounting period), the rent paid for the short tax period shall be annualized. If the rental term is for less than 12 months, the rent shall not be annualized beyond its term. Rent shall not be annualized because of the uncertain duration when the rental term is on a month to month basis.

A) Example A: Corporation A which ordinarily files its returns based on a calendar year is merged into Corporation B on April 30. The net rent paid under a lease with 5 years remaining is \$2,500 a month. The rent for the tax period January 1 to April 30 is \$10,000. After the rent is annualized the net rent is \$30,000 (\$2,500 X 12).

B) Example B: Same facts as in Example A except that the lease would have terminated August 31. In this case the annualized net rent is \$20,000 (2,500 X 8).



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3) "Annual rent" is the actual sum of money or other consideration payable, directly or indirectly, by the person or for its benefit for the use of the property and includes:

A) Any amount payable for the use of real or tangible personal property, or any part thereof, whether designated as a fixed sum of money or as a percentage of sales, profits or otherwise.

Example: A corporation pursuant to the terms of a lease, pays a lessor \$1,000 per month as a base rental and, at the end of the year pays the lessor one percent of its gross sales of \$400,000. The annual rent is \$16,000 (\$12,000 plus one percent of \$400,000 or \$4,000).

B) Any amount payable as additional rent or in lieu of rents, such as interest, taxes, insurance, repairs or any other items which are required to be paid by the terms of the lease or other arrangement, not including amounts paid as service charges, such as utilities, janitor services, etc. If a payment includes rent and other charges unsegregated, the amount of the rent shall be determined by consideration of the relative values of the rent and the other items.

i) Example i: A corporation, pursuant to the terms of a lease, pays the lessor \$12,000 a year rent plus taxes in the amount of \$2,000 and interest on a mortgage in the amount of \$1,000. The annual rent is \$15,000.

ii) Example ii: A corporation stores part of its inventory in a public warehouse. The total charge for the year was \$1,000 of which \$700 was for the use of storage space and \$300 for inventory insurance, handling and shipping charges, and C.O.D. collections. The annual rent is \$700.

C) "Annual rent" does not include incidental day-to-day expenses such as hotel or motel accommodations, daily rental of automobiles, etc.

4) Leasehold improvements shall, for the purposes of the property factor, be treated as property owned by the person regardless of whether the person is entitled to remove the improvements or the improvements revert to

DEPARTMENT OF REVENUE  
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the lessor upon expiration of the lease. Hence, the original cost of leasehold improvements shall be included in the factor.

g) Averaging property values:

1) As a general rule the average value of property owned by the person shall be determined by averaging the values at the beginning and ending of the tax period. However, the Director may require or allow averaging by monthly values if such method of averaging is required to properly reflect the average value of the person's property for the tax period. Averaging by monthly values will generally be applied if substantial fluctuations in the values of the property exist during the tax period or where property is acquired after the beginning of the tax period or disposed of before the end of the tax period.

2) Example: The monthly value of the person's property was as follows:

January	\$2,000	July	\$15,000
February	2,000	August	17,000
March	3,000	September	23,000
April	3,500	October	25,000
May	4,500	November	13,000
June	10,000	December	2,000
TOTAL			\$120,000

A) The average value of the person's property includable in the property factor for the taxable year is determined as follows:

\$120,000 divided by 12 = \$10,000

B) Averaging with respect to rented property is achieved automatically by the method of determining the net annual rental rate of such property as set forth in subsection 86-411-Adm.-Code-103.3550(c) above.

(Source: Amended at 18 Ill. Reg. effective  
JAN 28 1994)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers: Emergency Action:  
121.182 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: January 27, 1994
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: January 27, 1994
- 8) Reason for Emergency: Emergency filing should be initiated as a FY'94 enhancement for the Earnfare program to encourage increased client participation and early entry into unsubsidized employment. This rule will be of double benefit to Earnfare volunteers. Besides the opportunity to earn more money, participants will also be able to work longer hours to develop and improve their work skills.
- 9) Complete Description of the Subjects and Issues Involved: The proposed rule increases the maximum amount that an Earnfare participant can earn subsequent to working off the food stamp benefits at minimum wage from \$154.00 to \$231.00 per month.
- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
121.170	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.174	Amendment	October 8, 1993 (17 Ill. Reg. 16405)
121.182	Amendment	December 27, 1993 (17 Ill. Reg. 21991)
121.188	Amendment	December 27, 1993 (17 Ill. Reg. 21991)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna  
Address: Bureau of Rules and Regulations  
 Illinois Department of Public Aid  
 100 South Grand Avenue East, Third Floor  
 Springfield, Illinois 62762  
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

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121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
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## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements (Repealed)
121.24	Individuals Exempt From Work Registration Requirements (Repealed)
121.25	Failure to Comply (Repealed)
121.26	Period of Disqualification (Repealed)
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs
121.52	Earned Income from Roomer and Boarder
121.53	Income from Rental Property

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121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Coupon Allotment

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Persons Who May Be Included in the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Direct Mail Issuance of Food Stamp Coupons
121.94	Replacement of Food Stamp Coupons
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Food Stamp Simplified Application Demonstration Project (Repealed)
121.120	Recertification of Eligibility
121.130	Residents of Shelters for Battered Women and their Children
121.135	Incorporation By Reference



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
121.150 Definition of Intentional Violations of the Program  
121.151 Penalties for Intentional Violations of the Program  
121.152 Notification To Applicant Households  
121.153 Disqualification Upon Finding of Intentional Violation of the Program  
121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
121.160 Persons Required to Participate  
121.162 Participation and Cooperation Requirements  
121.164 Orientation

121.166 Assessment and Employability Plan

121.170 Job Search Component  
121.172 Basic Education Component  
121.174 Job Readiness Component  
121.176 Work Experience Component  
121.178 Job Training Component  
121.180 Grant Diversion Component  
121.182 Earnfare Component

## EMERGENCY

121.184 Sanctions  
121.186 Good Cause for Failure to Cooperate  
121.188 Supportive Services  
121.190 Conciliation and Fair Hearings  
121.200 Types of Claims (Recodified)  
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
121.203 Collecting Claim Against Households (Recodified)  
121.204 Failure to Respond to Initial Demand Letter (Recodified)  
121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
121.206 Determination of Monthly Allotment Reductions (Recodified)  
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
121.208 Suspension and Termination of Claims (Recodified)

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 12-4.4 through 12-4.6 and 12-13) [305 ILCS 5/12-4.4 through 12-4.6 and 12-13]

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941,

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18374, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. \_\_\_\_\_, effective January 21, 1994; emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective January 27, 1994, for a maximum of 150 days.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section 121.182 Earnfare Component  
EMERGENCY

- a) Assignment to the Earnfare Component is limited to food stamp individuals who are initially otherwise eligible for Transitional Assistance and who are "employable" and volunteer to participate in Earnfare.
- b) Eligibility Criteria
  - 1) Eligibility for the Earnfare Component shall be limited to six (6) months out of any twelve-(12) consecutive month period.
  - 2) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
  - 3) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
- c) Administration and Contracts
  - 1) The Illinois Department shall administer the Earnfare program in Chicago.
  - 2) The Illinois Department may enter into cooperative agreements with local governmental units that receive state funds and want to participate in the operation of the Earnfare program outside the city of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units.
  - 3) The Illinois Department may enter into contracts with other public agencies including State agencies, local governmental units, and not-for-profit community based organizations to help develop Earnfare opportunities and otherwise administer the program.
  - 4) The Illinois Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.

## d) Notification and Referrals

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 121.182(d) (continued)

- 1) In areas where an Earnfare program is operating, when the Illinois Department or the local governmental unit learns that individuals are in the following categories, it shall inform them in writing and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.
  - A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;
  - B) All persons denied or terminated from State Transitional Assistance because they are employable; and
  - C) All Earnfare participants shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.

- 2) The Illinois Department and participating downstate units shall make referrals to the Earnfare program as follows:

- A) Any person may request a referral.
- B) Within thirty-(30) days after a request for an Earnfare referral:
  - i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;
  - ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he/she is qualified.

- 3) Within thirty-(30) days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.

- e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:

- 1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 121.182(e) (continued)

- 2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - 3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - 4) there is no unreasonable degree of risk to the individual's health and safety; and
  - 5) the individual is physically and mentally competent to perform the work.
- f) Individuals participating in Earnfare shall not displace or substitute for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

- g) Entry into the Component

- 1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community based and local organizations, other public agencies, including State agencies, and with private employers.

- 2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 121.182(h) (continued)

- 3) The Department and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

## h) Payments

- 1) Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall receive payment for each additional hour of performance in Earnfare activity, up to a maximum of \$154.00 \$231.00 per month. An individual is considered to have participated in Earnfare in any month he/she earns a payment. Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours. During an individual's Earnfare participation the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00, effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.

- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps.

- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation.

- 4) Individuals shall be credited with hours of work that the Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Illinois Department or the local governmental unit. The Department or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Illinois Department's appeal process.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 121.182(h) (continued)

- 5) The Illinois Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site. Individuals obtaining unsubsidized employment while participating in Earnfare may be eligible for initial employment expenses as stated in Section 121.188.
- 6) Participants in the Earnfare job search activity are eligible for employer contact related expenses not to exceed twenty dollars-\$20.00 every thirty-30 days for a maximum of two months in a twelve-12 consecutive month period.

## i) Participation Requirements

- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six 6 months out of any twelve-12 consecutive month period. Individuals participating in Earnfare shall engage in work equal to the amount of the food stamp benefits divided by the federal minimum wage and subsequently shall earn minimum wage assistance for each additional hour of work up to a maximum of \$154.00 \$231.00 per month. Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.
- 2) Individuals are required to report as scheduled and on time to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.
- 3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Illinois Department shall re-assess the individual and if appropriate shall refer the person to apply for Transitional Assistance or Interim Assistance and federal SSI benefits.
- 4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments. A dismissal from an Earnfare assignment shall not cause a food stamp sanction.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

## Section 121.182(1) (continued)

- 5) During Earnfare assignment, individuals are required to accept bona fide offers of suitable employment pursuant to Section 121.182(c)(4).
- 6) During the Earnfare assignment participants are required to apply for suitable jobs for which the provider makes a referral.
- 7) Earnfare clients may participate in a voluntary job search activity as resources permit. There are no sanctions for failure to comply. Earnfare clients may participate for two {2} months in a twelve-{12} consecutive month period, either concurrently or following the six {6} month eligibility period for Earnfare. Clients are required to make a minimum of twenty {20} employer contacts each month while in the Earnfare job search activity.

(Source: Emergency amendment at 18 Ill. Reg. \_\_\_\_\_, effective January 27, 1994, for a maximum of 150 days)

## ATTORNEY GENERAL

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Franchise Disclosure Act
- 2) Code Citation: 14 Ill. Adm. Code 200
- 3) Section Numbers: 200.101 Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures", Federal Register, Volume 58, No. 249.
- 5) Statutory Authority: 815 ILCS 705/1 et seq.
- 6) Effective Date: January 31, 1994
- 7) A Complete Description of the Subjects and Issues Involved: Section 200.101, entitled "Disclosure Statement" must be amended to authorize use of the new format for preparation of a Uniform Franchise Offering Circular in accordance with the Federal Rule on Franchising.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: January 31, 1994
- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Local Governments are not franchisors or franchisees and are not affected by this amendment.
- 13) Information and questions regarding this adopted rule (amendment) shall be directed to:

Name: Christina M. Sanderson  
 Address: 500 South Second Street  
 Springfield, Illinois 62706  
 Telephone: 217/782-2538

The full text of the Peremptory amendment begins on the next page:

## NOTICE OF PEREMPTORY AMENDMENTS

**TITLE 14: COMMERCE**  
**SUBTITLE A: REGULATION OF BUSINESS**  
**CHAPTER II: ATTORNEY GENERAL**

**PART 200**  
**FRANCHISE DISCLOSURE ACT**

**SUBPART A: DEFINITIONS**

Section  
 200.100 Act  
 200.101 Disclosure Statement (Amendment)  
 200.102 Marketing Plan or System  
 200.103 Substantially Associated  
 200.104 Franchise Fee  
 200.105 Absence of Fee Exclusion  
 200.106 Bona Fide Wholesale and Retail Price  
 200.107 Established Market  
 200.108 Indirect Franchise Fee  
 200.109 Consideration  
 200.110 Material Change  
 200.111 Franchise Broker  
 200.112 Administrator  
 200.113 Correspondent

**SUBPART B: OPINIONS, EXEMPTIONS**

Section  
 200.200 Interpretive Opinions and No Action Letters  
 200.201 Order of Exemption  
 200.202 Exemptions by Rule

**SUBPART C: ADVERTISING**

Section  
 200.300 Deceptive Practices  
 200.301 Statements of Profitability  
 200.302 Opinions of Counsel  
 200.303 Inconsistencies with Disclosure Statement  
 200.304 Dollar Statements on Sales or Income  
 200.305 Filing Requirements

**SUBPART D: HEARINGS**

Section  
 200.400 Preamble  
 200.401 Party  
 200.402 Hearing Officer

## NOTICE OF PEREMPTORY AMENDMENTS

200.403 Office  
 200.404 Hearing Requests  
 200.405 Notice of Hearing  
 200.406 Requirements Relating to Continuances  
 200.407 Rules of Evidence in Hearings  
 200.408 Record of Proceedings  
 200.409 Record of Hearing  
 200.410 Duties of Hearing Officer  
 200.411 Final Administrative Decision

**SUBPART E: DENIAL BASED ON FINANCIAL STATEMENTS,  
 ESCROW, GUARANTY, SURETY BOND**

Section  
 200.500 Conditions Affecting the Soundness of the Franchise  
 200.501 Escrow, Guaranty, Surety Bond  
 200.502 Escrow of Funds  
 200.503 Release of Escrowed Funds  
 200.504 Guarantee of Performance  
 200.505 Performance of Surety Bond

**SUBPART F: REGISTRATION REQUIREMENTS**

Section  
 200.600 Original Registration  
 200.601 Extension of Registration Period  
 200.602 Notification of Registration  
 200.603 Renewal Application  
 200.604 Amendment Application  
 200.605 Final Circular Submission  
 200.606 Multiple Filings  
 200.607 Public Examination and Photocopying of Disclosure Statement

**SUBPART G: AREA FRANCHISE AND SUBFRANCHISE REGISTRATION  
 REQUIREMENTS-RESPONSIBILITIES FOR FILING**

Section  
 200.700 Definitions  
 200.701 Number of Applications  
 200.702 Responsibility for Filing the Application  
 200.703 Time for Filing the Application

**SUBPART H: FAILURE TO DILIGENTLY PROSECUTE APPLICATION**

Section  
 200.800 Failure to Diligently Prosecute Application



## NOTICE OF PEREMPTORY AMENDMENTS

**SUBPART I: REGISTRATION OF FRANCHISE BROKERS**

Section  
200.900  
200.901

Documents to File  
Notice of Broker Registration

**SUBPART J: REGISTRATION OF SALESPERSONS**

Section  
200.1000  
200.1001

Documents to File  
Notice of Broker Registration

**APPENDIX A Franchise Registration Forms**

ILLUSTRATION A Uniform Franchise Registration Application Page  
ILLUSTRATION B Supplemental Information  
ILLUSTRATION C Salesman Disclosure  
ILLUSTRATION D Uniform Consent to Service of Process  
ILLUSTRATION E Corporate Acknowledgment  
ILLUSTRATION F Individual or Partnership Acknowledgment  
ILLUSTRATION G Certification Page  
ILLUSTRATION H Consent of Accountant  
ILLUSTRATION I UFOC Cross Reference Sheet  
ILLUSTRATION J FTC Cross Reference Sheet  
ILLUSTRATION K Acknowledgment of Receipt (Suggested Format)  
ILLUSTRATION L Requirements for Preparation of a Uniform Franchise Offering Circular

**APPENDIX B Franchise Broker Registration Forms**

ILLUSTRATION A Franchise Broker Registration Application Page  
ILLUSTRATION B Broke Authorization  
ILLUSTRATION C Franchise Broker Surety Bond

**APPENDIX C Escrow Forms**

ILLUSTRATION A Escrow Agreement  
ILLUSTRATION B Petition for Release of Escrowed Funds

**APPENDIX D Guaranty Forms**

ILLUSTRATION A Guaranty of Performance  
ILLUSTRATION B Corporate Resolution  
ILLUSTRATION C Secretary's Certificate

**APPENDIX E Surety Bond**

## NOTICE OF PEREMPTORY AMENDMENTS

**APPENDIX F Certificate of Deposit Forms**

ILLUSTRATION A Franchisor's Petition for Release of Certificate of Deposit

**AUTHORITY:** Implementing and authorized by the Franchise Disclosure Act of 1987, P.A. 85-551, effective January 1, 1988.

**SOURCE:** Filed April 25, 1977, effective May 5, 1977 by the Office of the Secretary of State; transferred to the Attorney General by P.A. 80-31, effective February 28, 1978; rules repealed, new rules adopted and codified at 8 Ill. Reg. 1367, effective January 13, 1984; amended at 12 Ill. Reg. 9424, effective May 18, 1988; amended at 13 Ill. Reg. 15365, effective September 19, 1989; peremptory amendment at 18 Ill. Reg. \_\_\_\_\_, effective January 31, 1994.

**Section 200.101 Disclosure Statement**

The Administrator deems the following disclosure formats to be in full compliance with the disclosure requirements of Section 5 of the Act. No format other than the following may be used, and the following two formats may not be intermingled:

- a) The Uniform Franchise Offering Circular ("UFOC") adopted by the ~~Midwest Securities Commissioners Association on September 2, 1975, as amended and effective January 1, 1988~~ amended by the North American Securities Administrators Association, Inc. on April 25, 1993 without further additions or amendments in accordance with the Federal Trade Commission Regulation Rule, entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436) as of January 1, 1994; and
- b) The disclosure requirements of the Federal Trade Commission Trade Regulation Rule as of 1983, entitled "Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures" (16 CFR 436).

(Source: Peremptory amendment at 18 Ill. Reg. \_\_\_\_\_, effective January 31, 1994)

## ILLINOIS REGISTER

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PUBLIC INFORMATION

Heading of Part: Animal Diagnostic Laboratory Act

Code Citation: 8 Ill. Adm. Code 110

Sections Involved: 110.50, 110.80, 110.90 and 110.110

Date Published In Illinois Register: Volume 18, Issue #5 (18 Ill. Reg. 1825, February 4, 1994)

This rulemaking was inadvertently published in the Illinois Register with an incorrect effective date of January 24, 1994. The correct effective date for this adopted rulemaking is February 1, 1994.

## ILLINOIS REGISTER

## COMMISSIONER OF BANKS AND TRUST COMPANIES

## NOTICE OF PUBLIC INFORMATION

## NOTICE OF PUBLIC MEETING

Notice is hereby given that the State Banking Board of Illinois and the Board of Trustees of the Illinois Bank Examiners' Education Foundation will hold their regularly scheduled meetings on Thursday, March 10, 1994, at the Office of the Illinois Commissioner of Banks and Trust Companies, 310 South Michigan, Suite 2130, Chicago, Illinois. The meeting of the Board of Trustees of the Illinois Bank Examiners' Education Foundation will begin at 9:30 a.m. The meeting of the State Banking Board of Illinois will begin at 10:30 a.m. The meeting will be open to the public in accordance with the Open Meetings Act, 5 ILCS 120/1-120/6 (1992) [Ill. Rev. Stat. ch. 120, par. 41 (1991)].

This meeting will be accessible to handicapped individuals in compliance with Executive Order #5 and pertinent state and federal laws upon notification of anticipated attendance. Handicapped persons planning to attend and needing special accommodations should contact, either by telephone or by letter, Debra Rath, Room 100, Reisch Building, 117 South Fifth Street, Springfield, Illinois 62701 or (217)785-2837 to inform of their anticipated attendance.

## ILLINOIS DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

Pursuant to the provisions of 20 ILCS 1605/7.1, the Illinois Department of the Lottery shall publish each January in the Illinois Register a list of all game-specific rules, play instructions, directives, operations manuals, brochures, or other game-specific publications issued by the Department during the previous year. Following is the list of game-specific materials published by the Lottery during calendar year 1993.

Departmental Directive #93-07: "Special Game Designation: Double Stuffed

Departmental Directive #94-01: "Special Game Designation: Holiday Cash VI"

Departmental Directive #94-02: "Prize Claim Periods and Requirements for Instant Games"

Game Rules - Instant Game No. 05, "On a Roll"

Game Rules - Instant Game No. 06, "Monopoly Instant Game"

Game Rules - Instant Game No. 07, "\$100,000 Fortune Hunt IX"

Game Rules - Instant Game No. 08, "Bunny Bucks II"

Game Rules - Instant Game No. 09, "Double Decker"

Game Rules - Instant Game No. 10, "Ballpark Bucks"

Game Rules - Instant Game No. 11, "Super 7's"

Game Rules - Instant Game No. 12, "Strike It Rich"

Game Rules - Instant Game No. 13, "Double Stuffed"

Game Rules - Instant Game No. 14, "Jackpot"

Game Rules - Instant Game No. 15, "\$100,000 Fortune Hunt X"

Game Rules - Instant Game No. 16, "Rodeo Dough"

Game Rules - Instant Game No. 17, "Double Juggle"

Game Rules - Instant Game No. 18, "One Life to Live"

Game Rules - Instant Game No. 19, "First 'N Ten"

Game Rules - Instant Game No. 20, "Tic-Tac-Toe"

Game Rules - Instant Game No. 21, "Beverly Hillbillies"

Game Rules - Instant Game No. 22, "Winner Wonderland"

Game Rules - Instant Game No. 23, "Holiday Cash VI"

Game Rules - Instant Game No. 24, "Instant Bingo"

Game Rules - Instant Game No. 25, "Stocking Stuffer"

Game Rules - Instant Game No. 26, "Cabin Fever"

Game Rules - Instant Game No. 27, "Bank Shot"

\$100,000 Fortune Hunt TV Game Show Procedures (revised effective 4/8/93 and 6/9/93)

"Win Wheels with the Wizard" Official Promotion Rules

"Winner Wonderland Second Chance 'Spreestakes'" Official Promotion Rules

"Cabin Fever Second Chance Cruisestakes" Official Promotion Rules

"Fun in the Caribbean Sun" 2nd Chance Giveaway Drawing Procedures

Illinois Lottery's 2nd Chance Getaway Drawing Procedures

Illinois Lottery's 2nd Chance Drawing Procedures (One Life to Live Instant Game)

## ILLINOIS DEPARTMENT OF THE LOTTERY

## NOTICE OF PUBLIC INFORMATION

Official Drawing Procedures, Winner Wonderland "Spreestakes" On-Line Game Winning Numbers for 1993  
Instant Game Sale and Claim Dates (All games since 1975)  
Illinois Lottery Financial History (Sales by Game)  
Fun in the Caribbean Sun 2nd Chance Getaway Winners  
Lottery News - "The Illinois Lottery: How to Play and Win"  
Brochure - "Where Your Lottery Dollar Goes"

Copies of the foregoing may be obtained by submitting a written request to:

Freedom of Information Officer  
Illinois Department of the Lottery  
P. O. Box 19080  
Springfield, Illinois 62794-9080



ILLINOIS REGISTER  
POLLUTION CONTROL BOARD  
NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

responsibility for this program to a new Board member.

Pursuant to Section 7.2(b) of the Act, the Board will submit a copy of the text of this order for publication in the Illinois Register as expeditiously as possible.

ILLINOIS REGISTER  
POLLUTION CONTROL BOARD  
NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

ILL. REV. STAT. 1991, CH. 111½, PAR. 1007.2(b) [415 ILCS 5/7.2(b)]

Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (1992) (Ill. Rev. Stat. 1991 ch. 111½, par 1022.4(a))) requires the Board to adopt regulations that are "identical in substance" with USEPA RCRA Subtitle C hazardous waste rules adopted to implement Sections 3001 through 3005 of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended. The term "identical in substance" has been defined in Section 7.2 of the Act. Section 7.2(b) of the Act requires the Board to adopt a rule within one year of adoption of federal rule, unless the Board extends the time based on a finding that the time is insufficient and stating the reasons.

On January 20, 1994, in R93-16, the Pollution Control Board entered the following Order pursuant to Ill. Rev. Stat. 1991 Supp., ch. 111½, par. 1007.2(b):

The USEPA RCRA rules are located at 40 CFR 260 et seq. These have been the subject of five recent amendments: 58 Fed. Reg. 8658 (Feb. 16, 1993), 58 Fed. Reg. 14317 (Mar. 17, 1993); 58 Fed. Reg. 26420 (May 3, 1993); 58 Fed. Reg. 28506 (May 14, 1993); and 58 Fed. Reg. 29860 (May 24, 1993). The federal amendments of February 16, 1993 involved the corrective action management unit (CAMU) and temporary unit (TU) regulations applicable to RCRA Subtitle C corrective actions. The federal amendments of March 17, 1993 involved amendments to the land disposal restrictions for Third Third wastes. The federal amendments of May 3, 1993 were technical amendments to the used and waste oil management standards. The federal amendments of May 14, 1993 constituted the renewal of case-by-case capacity variance from the land disposal restrictions for hazardous debris. In the federal amendments of May 24, 1993, the land disposal restrictions for ignitable and corrosive wastes whose treatment standards were vacated.

The Board adopted a proposal for public comment on December 16, 1993. Notices of proposed amendments appeared in the Illinois Register on January 14, 1994, at 18 Ill. Reg. 337 (Part 720), 357 (Part 721), 377 (Part 725), 388 (Part 728), 406 (Part 702), 419 (Part 703), 439 (Part 724), and 455 (Part 739). The statutory public comment period will therefore expire on February 28, 1994.

The Board hereby finds that an extension of time is necessary. The presently-anticipated completion date for this proceeding is at the Board meeting of March 3 or 17, 1994, to be followed by a minimum 30-day post-adoption delay in filing to allow U.S. EPA to comment on the Board-adopted amendments. The reasons for delay are as follows:

The prior RCRA Subtitle C update rulemaking, R93-4, was unusually complex and lengthy, involving over 600 pages of rules text, and the resulting delay in adopting and filing that proceeding resulted in a delay in initiating this matter. The Board had to await finalization of our electronic text of the R93-4 amendments, as filed, to begin this proceeding; many of the Sections involved in R93-4 are also involved in this update docket. Additionally, changes in membership of the Board effective November 15, 1993 resulted in a reassignment of

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

## RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Department of Children and Family Services

Heading of the Part: Department Advisory Council, Juvenile Commission  
& Other Statewide & Regional Committees

Code Citation: 89 Ill. Adm. Code 428

Sections Involved: 428.10  
428.20  
428.30  
428.40  
428.50  
428.60  
428.70  
428.90  
428.150

Notice of Proposal Published in Illinois Register: January 21, 1994

Statutory Authority: Children and Family Services Act [20 ILCS 505/5,  
505/17a, and 505/17a-9]

Information concerning this Regulatory Flexibility Impact Analysis  
shall be directed to:

Name: Linda D. Brand  
Address: Department of Commerce and Community Affairs  
620 E. Adams, Springfield, IL 62701  
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

## RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name Of Agency: Secretary of State

Heading of the Part: Commercial Driver Training Schools

Code Citation: 92 Ill. Adm. Code 1060

Sections Involved: Various amendments to Section 1060.5 thru 1060.200

Notice of Proposal Published in Illinois Register: January 7, 1994

Statutory Authority: Illinois Vehicle Title and Registration Law  
[625 ILCS 5/2-104(b)] and Illinois Driver Licensing  
Law (625 ILCS 5/6-100 et seq.)

Information concerning this Regulatory Flexibility Impact Analysis  
shall be directed to:

Name: Linda D. Brand  
Address: Department of Commerce and Community Affairs  
620 E. Adams, Springfield, IL 62701  
Telephone: (217) 785-6354

Other pertinent information regarding these rules: After initial scrutiny, the Department of Commerce and Community Affairs has determined that the above proposed rule may impact small businesses. Publication of this notice serves to both provide the general public with information regarding specifics of the proposed rule, on request, as well as elicit comments from interested parties. All comments will be considered as the analysis is formulated.

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**  
**JAMES R. THOMPSON CENTER**  
 ROOM 16-503  
 CHICAGO, ILLINOIS  
 10:00 A.M.  
 FEBRUARY 15, 1994

**NOTICE:** It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules  
 700 Stratton Building  
 Springfield, Illinois 62706

AGENDA

**I. Approval of January 11, 1994 Minutes**

**II. Review of Proposed Agency Rulemaking**

Agriculture

1. Meat and Poultry Inspection Act (8 Ill Adm Code 125)  
 -First Notice Published: 17 Ill Reg 18917 - 11/5/93  
 -Expiration of Second Notice Period: 3/12/94

Central Management Services

2. Pay Plan (80 Ill Adm Code 310)  
 -First Notice Published: 17 Ill Reg 21233 - 12/17/93  
 -Expiration of Second Notice Period: 3/16/94

3. Solicitation for Charitable Payroll Deductions (80 Ill Adm Code 2650)  
 -First Notice Published: 17 Ill Reg 2449 - 2/26/93  
 -Expiration of Second Notice Period: 3/6/94

Children and Family Services

4. Licensing Standards for Day Care Homes (89 Ill Adm Code 406)  
 -First Notice Published: 17 Ill Reg 11964 - 7/30/93  
 -Expiration of Second Notice Period: 3/5/94
5. Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)  
 -First Notice Published: 17 Ill Reg 11976 - 7/30/93  
 -Expiration of Second Notice Period: 3/5/94
6. Audits, Reviews and Investigations (89 Ill Adm Code 434)  
 -First Notice Published: 17 Ill Reg 7115 - 5/21/93  
 -Expiration of Second Notice Period: 3/5/94

Commerce and Community Affairs

7. Emergency Shelter Grants Program (47 Ill Adm Code 160)  
 -First Notice Published: 17 Ill Reg 15747 - 10/1/93  
 -Expiration of Second Notice Period: 2/26/94
8. Illinois Promotion Act Programs (14 Ill Adm Code 510)  
 -First Notice Published: 17 Ill Reg 14318 - 9/10/93  
 -Expiration of Second Notice Period: 2/26/94

9. Enterprise Zone Program (14 Ill Adm Code 520)  
 -First Notice Published: 17 Ill Reg 9791 - 7/2/93  
 -Expiration of Second Notice Period: 2/26/94

10. Illinois Small Business Development Program (14 Ill Adm Code 570)  
 -First Notice Published: 17 Ill Reg 21123 - 12/3/93  
 -Expiration of Second Notice Period: 3/16/94

Commissioner of Banks and Trust Companies

11. Eligible State Bank (38 Ill Adm Code 380)  
 -First Notice Published: 17 Ill Reg 19347 - 11/12/93  
 -Expiration of Second Notice Period: 2/16/94

Conservation

12. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810)  
 -First Notice Published: 17 Ill Reg 19785 - 11/19/93  
 -Expiration of Second Notice Period: 2/23/94



Criminal Justice Information Authority

13. Fees for Processing Requests for Conviction Information (20 Ill Adm Code 1570)  
 -First Notice Published: 17 Ill Reg 21136 - 12/10/93  
 -Expiration of Second Notice Period: 3/11/94

Education

14. Program Accounting Manual (23 Ill Adm Code 110)  
 -First Notice Published: 17 Ill Reg 18283 - 10/22/93  
 -Expiration of Second Notice Period: 2/23/94
15. Sprinkler Systems (23 Ill Adm Code 170)  
 -First Notice Published: 17 Ill Reg 18419 - 10/22/93  
 -Expiration of Second Notice Period: 2/26/94
16. Special Education (23 Ill Adm Code 226)  
 -First Notice Published: 17 Ill Reg 18405 - 10/22/93  
 -Expiration of Second Notice Period: 3/16/94
17. Repeal of Reorganization Committees (23 Ill Adm Code 550)  
 -First Notice Published: 17 Ill Reg 17611 - 10/15/93  
 -Expiration of Second Notice Period: 2/23/94
18. Repeal of Article 34 School and Subdistrict Councils (23 Ill Adm Code 610)  
 -First Notice Published: 17 Ill Reg 17603 - 10/15/93  
 -Expiration of Second Notice Period: 2/23/94

Employment Security

19. Claimant's Availability for Work, Ability to Work, and Active Search for Work (56 Ill Adm Code 2865)  
 -First Notice Published: 17 Ill Reg 19421 - 11/12/93  
 -Expiration of Second Notice Period: 3/5/94
20. Academic Personnel (56 Ill Adm Code 2915)  
 -First Notice Published: 17 Ill Reg 19415 - 11/12/93  
 -Expiration of Second Notice Period: 3/5/94

21. Disqualifying Income and Reduced Benefits (56 Ill Adm Code 2920)  
 -First Notice Published: 17 Ill Reg 19427 - 11/12/93  
 -Expiration of Second Notice Period: 3/5/94

Liquor Control Commission

22. The Illinois Liquor Control Commission (11 Ill Adm Code 1813)  
 -First Notice Published: 17 Ill Reg 20094 - 11/29/93  
 -Expiration of Second Notice Period: 2/26/94

Motor Vehicle Theft Prevention Council

23. Trust Fund Collection Rules (20 Ill Adm Code 1800)  
 -First Notice Published: 17 Ill Reg 20539 - 12/3/93  
 -Expiration of Second Notice Period: 3/6/94

24. Rules for the Award and Monitoring of Trust Funds (20 Ill Adm Code 1810)  
 -First Notice Published: 17 Ill Reg 20516 - 12/3/93  
 -Expiration of Second Notice Period: 3/11/94

Pollution Control Board

25. Permits (35 Ill Adm Code 105)  
 -First Notice Published: 17 Ill Reg 16366 - 10/8/93  
 -Expiration of Second Notice Period: 3/9/94

26. Hearings Pursuant to Specific Rules (35 Ill Adm Code 106)  
 -First Notice Published: 17 Ill Reg 16355 - 10/8/93  
 -Expiration of Second Notice Period: 3/9/94

27. Organic Material Emission Standards and Limitations for the Metro East Area (35 Ill Adm Code 219)  
 -First Notice Published: 17 Ill Reg 20203 - 11/29/93  
 -Expiration of Second Notice Period: 3/11/94

Professional Regulation

28. The Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985) (68 Ill Adm Code 1175)  
 -First Notice Published: 17 Ill Reg 20217 - 11/29/93  
 -Expiration of Second Notice Period: 3/6/94

Public Aid

29. General Assistance (89 Ill Adm Code 114)  
 -First Notice Published: 17 Ill Reg 19443 - 11/12/93  
 -Expiration of Second Notice Period: 3/12/94

30. Food Stamps (89 Ill Adm Code 121)  
-First Notice Published: 17 Ill Reg 16405 - 10/8/93  
-Expiration of Second Notice Period: 2/19/94
31. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 17 Ill Reg 15444 - 9/24/93  
-Expiration of Second Notice Period: 2/19/94
32. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 17 Ill Reg 19012 - 11/5/93  
-Expiration of Second Notice Period: 3/5/94
33. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 17 Ill Reg 18436 - 10/22/93  
-Expiration of Second Notice Period: 3/9/94
34. Medical Payment (89 Ill Adm Code 140)  
-First Notice Published: 17 Ill Reg 17736 - 10/15/93  
-Expiration of Second Notice Period: 3/11/94
35. Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill Adm Code 147)  
-First Notice Published: 17 Ill Reg 18788 - 10/29/93  
-Expiration of Second Notice Period: 3/5/94
36. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 17 Ill Reg 15291 - 9/24/93  
-Expiration of Second Notice Period: 3/9/94
37. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)  
-First Notice Published: 17 Ill Reg 15243 - 9/24/93  
-Expiration of Second Notice Period: 3/9/94
- Public Health
38. Rules of Practice and Procedure in Administrative Hearings (77 Ill Adm Code 100)  
-First Notice Published: 17 Ill Reg 12153 - 7/30/93  
-Expiration of Second Notice Period: 3/16/94

39. Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)  
-First Notice Published: 17 Ill Reg 16414 - 10/8/93  
-Expiration of Second Notice Period: 3/16/94
40. Hospital Licensing Requirements (77 Ill Adm Code 250)  
-First Notice Published: 17 Ill Reg 15757 - 10/1/93  
-Expiration of Second Notice Period: 3/16/94
41. Family Planning Services Code (77 Ill Adm Code 635)  
-First Notice Published: 17 Ill Reg 19882 - 11/19/93  
-Expiration of Second Notice Period: 3/16/94
42. Narrative and Planning Policies (77 Ill Adm Code 1100)  
-First Notice Published: 17 Ill Reg 8144 - 6/4/93  
-Expiration of Second Notice Period: 3/16/94
43. Processing, Classification Policies and Review Criteria (77 Ill Adm Code 1110)  
-First Notice Published: 17 Ill Reg 8149 - 6/4/93  
-Expiration of Second Notice Period: 3/16/94
- Secretary of State
44. Literacy Grant Program (23 Ill Adm Code 3040)  
-First Notice Published: 17 Ill Reg 18441 - 10/22/93  
-Expiration of Second Notice Period: 2/26/94
- III. Certification of No Objection to Proposed Rulemaking**
- IV. Review of Emergency and Peremptory Rulemakings**
- Agriculture
45. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 18 Ill Reg 304 - 1/7/94
46. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
Notice Published: 18 Ill Reg 2164 - 2/4/94

Comptroller

47. Transfers Between Accounts Within a Fund Held by the State Treasurer (74 Ill Adm Code 275) (Emergency)  
-Notice Published: 18 Ill Reg 2119 - 2/4/94

Housing Development Authority

48. Affordable Housing Program (47 Ill Adm Code 360) (Emergency)  
-Notice Published: 18 Ill Reg 2124 - 2/4/94
49. Affordable Housing Bond Program (47 Ill Adm Code 365) (Emergency)  
-Notice Published: 18 Ill Reg 1596 - 1/28/94

Public Aid

50. Hospital Reimbursement Changes (89 Ill Adm Code 152) (Emergency)  
-Notice Published: 18 Ill Reg 2150 - 2/4/94
51. Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)  
-Notice Published: 18 Ill Reg 2159 - 2/4/94

Revenue

52. Property Tax/Revenue Act of 1939 (86 Ill Adm Code 110) (Emergency)  
-Notice Published: 17 Ill Reg 22584 - 1/3/94

Transportation

53. Construction in Floodways of Rivers, Lakes and Streams (92 Ill Adm Code 700) (Emergency)  
-Notice Published: 18 Ill Reg 790 - 1/21/94

**V. Agency Responses**Public Aid

54. Medical Payment (89 Ill Adm Code 140)  
-First Published: 5/21/93  
-Recommendation Date: 9/14/93  
-Response: Agreement

55. Collections and Recoveries (89 Ill Adm Code 165)  
-First Published: 4/30/93  
-Recommendation Date: 8/17/93  
-Response: Agreement

Rehabilitation Services

56. Case Transfers/Referrals (89 Ill Adm Code 708)  
-First Published: 7/2/93  
-Recommendation Date: 9/14/93  
-Response: Agreement

Transportation

57. Employee Commute Options (92 Ill Adm Code 600)  
-First Published: 8/6/93  
-Recommendation Date: 12/14/93  
-Response: Agreement

**VI. Exempt Rulemakings**Pollution Control Board

58. Solid Waste Disposal: General Provisions (35 Ill Adm Code 810)  
-Proposed Date: 6/18/93  
-Adopted Date: 1/13/94

59. Standards for Existing Landfills and Units (35 Ill Adm Code 814)  
-Proposed Date: 6/18/93  
-Adopted Date: 1/13/94

60. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)  
-Proposed Date: 6/18/94  
-Adopted Date: 1/13/94



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 26, 1994 through January 31, 1994, and have been scheduled for review by the Committee at its February 15, 1994 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/11/94	Criminal Justice Information Authority, Fees for Processing Requests for Conviction Information (20 III Adm Code 21136 1570)	12/10/93 17 III Reg 21136	2/15/94
3/11/94	Pollution Control Board, Organic Material Emission Standards and Limitations for the Metro East Area (35 III Adm Code 219)	11/29/93 17 III Reg 20203	2/15/94
3/11/94	Department of Public Aid, Medical Payment (89 III Adm Code 140)	10/15/93 17 III Reg 17736	2/15/94
3/11/94	Illinois Motor Vehicle Theft Prevention Council, Rules for the Award and Monitoring of Trust Funds (20 III Adm 1810)	12/3/93 17 III Reg 20516	2/15/94
3/12/94	Department of Agriculture, Meat and Poultry Inspection Act (8 III Adm Code 125)	11/5/93 17 III Reg 18917	2/15/94
3/12/94	Department of Public Aid, General Assistance (89 III Adm Code 114)	11/12/93 17 III Reg 19443	2/15/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
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<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/16/94	Department of Public Health/Health Facilities Planning Board, Narrative and Planning Policies (77 III Adm Code 1100)	6/4/93 17 III Reg 8144	2/15/94
3/16/94	Department of Public Health/Health Facilities Planning Board, Processing, Classification Policies and Review Criteria (77 III Adm Code 1110)	6/4/93 17 III Reg 8149	2/15/94
3/16/94	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 III Adm Code 205)	10/8/93 17 III Reg 16414	2/15/94
3/16/94	Department of Public Health, Hospital Licensing Requirements (77 III Adm Code 250)	10/1/93 17 III Reg 15757	2/15/94
3/16/94	Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 III Adm Code 100)	7/30/93 17 III Reg 12153	2/15/94
3/16/94	Department of Public Health, Family Planning Services Code (77 III Adm Code 638)	11/19/93 17 III Reg 19882	2/15/94
3/16/94	Department of Commerce and Community Affairs, Illinois Small Business Development Program (14 III Adm Code 570)	12/3/93 17 III Reg 21123	2/15/94
3/16/94	Department of Central Management Services, Pay Plan (80 III Adm Code 310)	12/17/93 17 III Reg 21233	2/15/94

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED  
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Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/16/94	State Board of Education, Special Education (23 Ill Adm Code 226)	10/22/93 17 Ill Reg 18405	2/15/94

## PROCLAMATION

94-008  
AFRICAN-AMERICAN UNITY MARCH DAY

Whereas, on January 17, 1994, Dr. Martin Luther King, Jr. will be honored by a national holiday dedicated to his memory; and

Whereas, Illinois was the first state in the union to recognize the significant contributions of Dr. King by establishing a state holiday in 1973; and

Whereas, in 1990 the African-American Student Organization of Sangamon State University brought to life their dream of uniting the Springfield community for a Unity March in commemoration of the life and work of Dr. King; and

Whereas, since the first march on January 15, 1990, it has grown into an annual event supported by community-based organizations, churches, and concerned individuals; and

Whereas, this year's march carries the message "Unity: Taking Back Our Community;" and

Whereas, Dr. King dedicated his life so that all Americans could enjoy the freedom the United States Constitution guarantees every citizen and each year the commemoration of Dr. King's birthday serves to remind Illinoisans of his profound message of justice and peace;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 17, 1994, as AFRICAN-AMERICAN UNITY MARCH DAY in Illinois.

Issued by the Governor January 12, 1994.

Filed with the Secretary of State January 27, 1994.

## 94-009

## HUMAN SERVICES WEEK

Whereas, a disability, whether physical or mental, does not necessarily diminish an individual's productive life; and

Whereas, human service organizations are available to help Illinois citizens adapt to new methods of achieving productive and fulfilling lives; and

Whereas, the many support services within a human service organization provide the assistance necessary to help persons with disabilities achieve self-sufficiency; and

Whereas, dedicated, professional individuals provide a foundation for citizens to achieve their goals;

Therefore, I, Jim Edgar, Governor of the State of Illinois proclaim September 18-24, 1994, as HUMAN SERVICES WEEK in Illinois and commend these organizations, their staff, and volunteers for dedication which benefits all citizens of the

state.

Issued by the Governor January 12, 1994.

Filed with the Secretary of State January 27, 1994.

#### 94-010

##### IVAN AND RUTH FRICK DAY

Whereas, for the past 22 years Ivan E. Frick has served as President of Elmhurst College with his wife, Ruth, beside him as First Lady; and

Whereas, President Frick's 22 years of service represent the second longest tenure in the 122-year history of Elmhurst College; and

Whereas, President Frick was instrumental in developing the college's academic program, the computer science center, and the endowment for student scholarships; and

Whereas, Ruth Frick has made countless contributions to the college and community, such as founding "Elmhurst: College and Community," serving as the Elmhurst College Women's Auxiliary leader and advisor, and establishing with her husband the Ivan and Ruth Frick Endowed Humanities Book Fund; and

Whereas, Ivan and Ruth Frick's partnership and service to Elmhurst College provided students the opportunity for a better education and campus life; and

Whereas, their combined efforts have greatly exceeded their call of duty, earning the respect and gratitude deserved of their commitment and dedication; and

Whereas, on March 11, 1994, the Trustees' Committee will honor the Fricks for their accomplishments and contributions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 4, 1994, as IVAN AND RUTH FRICK DAY in Illinois.

Issued by the Governor January 12, 1994.

Filed with the Secretary of State January 27, 1994.

#### 94-011

##### WEEK OF THE HIGH RISK CHILD

Whereas, the Children and Adolescents Forum, Inc. was organized December 15, 1975, at Pritzker Children's Psychiatric Unit of Michael Reese Hospital for the purpose of coordinating the delivery of mental health services to high risk children on the southside of Chicago; and

Whereas, a high risk child is one who exhibits covert or overt symptoms of behavioral, emotional, psychological, physical, familial, or environmental dysfunctioning; and

Whereas, since its inception, the forum has made many outstanding contributions to the community at large including

publishing three Children and Adolescents Mental Health Services directories and providing an informational follow-up program for children at risk; and

Whereas, the forum serves more than 5,000 children and their families annually;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16-20, 1994, as WEEK OF THE HIGH RISK CHILD in Illinois and commend the Children and Adolescents Forum, Inc. for its many contributions to emotionally disturbed and behaviorally disordered children.

Issued by the Governor January 12, 1994.

Filed with the Secretary of State January 27, 1994.

#### 94-012

##### AFRICAN-AMERICAN HISTORY MONTH

Whereas, African-American History Month was initiated in 1926 by Carter G. Woodson, founder of the Association for the Study of Afro-American Life and History; and

Whereas, African-American History Month pays respect to the heritage of African-American people and promotes increased respect for law and order and a greater understanding of the functioning of religious institutions; and

Whereas, the observance of African-American History Month across America during February 1994 will highlight the progress African-Americans have made in the United States in leadership activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1994 as AFRICAN-AMERICAN HISTORY MONTH in Illinois and urge citizens to pay tribute to the heritage of African-American people.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

#### 94-013

##### FREE ENTERPRISE WEEK

Whereas, the education of today's young people is one of the most important concerns of the day; and

Whereas, the concept of free enterprise is a basic principle of our country's economic system; and

Whereas, free enterprise can be used as a tool to help students relate what they learn in school to applicable knowledge and job skills; and

Whereas, unemployment can be curbed by continuing to promote the completion of meaningful educational sequences; and

Whereas, businesses and business organizations can help meet



this goal by assisting in the education of the general public; and

Whereas, small business development is a rapidly growing segment of the economy, placing even greater importance in entrepreneurship and free enterprise;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 13-19, 1994, as FREE ENTERPRISE WEEK in Illinois.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

94-014

#### INTERNATIONAL FESTIVAL WEEK

Whereas, the International Student Council (ISC) at Southern Illinois University at Carbondale will hold its annual celebration of international culture the week of February 7, 1994; and

Whereas, SIU-C has an enrollment of more than 2,700 international students, ranking second in the state in international student enrollment; and

Whereas, ISC is dedicated to creating an opportunity for mutual respect and understanding between students from varying ethnic, socioeconomic, and cultural backgrounds; and

Whereas, Festival Week will feature a variety of cross-cultural shows, exhibitions, and programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 7-12, 1994, as INTERNATIONAL FESTIVAL WEEK in Illinois.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

94-015

#### MARTINA NAVRITILLOVA DAYS

Whereas, the State of Illinois and the City of Chicago will host many of the world's best tennis players, including Martina Navratilova, at the Virginia Slims of Chicago, February 7-13, 1994; and

Whereas, Martina Navratilova has won 12 titles in Chicago--more titles than in any other city in the world--and could possibly be making her final appearance in Chicago as a professional tennis player; and

Whereas, in 1992, Martina broke the all-time record for the number of singles titles won when she reached her 158th career singles title and to date boasts 166 singles titles, more than any other male or female competitor; and

Whereas, a member of the Chicago Sports Hall of Fame, Martina Navratilova is ranked third among women tennis players world-wide and is entering her 19th and final season; and

Whereas, she has used her name recognition to support and sponsor charitable causes for underprivileged and abused children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 7-13, 1994, as MARTINA NAVRITILLOVA DAYS in Illinois.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

94-016

#### SAVE A LIFE DAY

Whereas, Cardiopulmonary Resuscitation (CPR) and first aid education can significantly reduce death and disabling injuries; and

Whereas, Save A Life Foundation's mission is to promote training and education of life-saving techniques; and

Whereas, the administration of CPR and first aid helps save lives by maintaining life support until professionals arrive; and

Whereas, on February 26, more than 86 Illinois hospitals will provide residents of their communities with training and certification in CPR and first aid;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 26, 1994, as SAVE A LIFE DAY in Illinois.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

94-017

#### STUDENT FINANCIAL AID AWARENESS MONTH

Whereas, the State of Illinois has a strong commitment to the intellectual growth and career development of all its citizens; and

Whereas, the State of Illinois has fostered the development of an impressive complement of public, private, and proprietary programs of higher education; and

Whereas, a network of student financial assistance programs consisting of grants, scholarships, loans, and jobs provides access to these educational opportunities for thousands of citizens each year; and

Whereas, the Illinois Student Assistance Commission's (ISAC) responsibilities include providing scholarships, grants, and loans and encouraging families to begin saving early for postsecondary educations; and

Whereas, ISAC and the state's student financial aid community will provide the service of a student financial aid hotline February 7-11; and

Whereas, the Illinois Student Assistance Commission and the Illinois Association of Student Financial Aid Administrators are conducting a series of informational programs to boost parent and student awareness about available financial aid resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 1994 as STUDENT FINANCIAL AID AWARENESS MONTH in Illinois. I encourage those who need financial assistance for higher education to take advantage of the opportunity to become more informed about financial aid programs available to our citizens.

Issued by the Governor January 14, 1994.

Filed with the Secretary of State January 27, 1994.

## ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	

\*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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 8 Ill. Adm. Code 20 Definitions (A-1844)  
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TYPE OF RULE MAKING

am = amend to existing Section  
cc = codification changes  
n = New section  
r = repeal of existing Section  
re = reclassified  
# = renumbered

ACTION CODE

A = Adopted Rule  
E = Emergency  
P = Proposed Rule  
PP = Peremptory  
M = Modification  
W = Withdrawal  
CC = Codification Changes  
RQ = Request for Correction  
PF = Prohibited Filing  
S = Suspension  
O = JCAR Objection  
F = Failure to Remedy Objections  
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RC = Recommendations  
EC = Expedited Correction  
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926.280 # (P-512)  
926.290 # (P-512)

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20.01 am (A-1844)  
40.5 am (A-1869)  
40.60 am (A-1869)  
40.80 am (A-1869)  
40.110 am (A-1869)  
40.170 am (A-1869)  
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85.50 am (A-1850)  
85.75 am (A-1850)  
85.100 am (A-1850)

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85.115 am (A-1850)  
85.125 n (A-1850)  
105.5 am (A-1880)  
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105.30 am (A-1880)  
110.50 am (A-1825)  
110.80 am (A-1825)  
110.90 am (A-1825)  
110.110 am (A-1825)  
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116.20 n (A-1861)  
116.30 n (A-1861)  
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257.50 n (P-14288/93; A-205)  
257.60 n (P-14288/93; A-205)  
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308.20 n (P-1773)  
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311.20 n (P-1780)  
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501.10 r (A-2089)  
501.20 r (A-2089)  
509.200 am (A-2088)  
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510.20	am	(P-15790/93; A-2064)	200.101	am	(PP-2522)	4000.420	r	(A-2290)	1.100	n	(A-1171)
510.30	am	(P-15790/93; A-2064)	545.10	am	(P-839)	4000.425	n	(A-2290)	1.App.D	n	(A-1171)
510.40	am	(P-15790/93; A-2064)	545.30	am	(P-839)	4000.430	r	(A-2290)	1.App.E	n	(A-1171)
510.60	am	(P-15790/93; A-2064)	545.40	am	(P-839)	4000.435	n	(A-2290)	1.App.F	n	(A-1171)
510.120	am	(P-15790/93; A-2064)	545.50	am	(P-839)	4000.440	am	(A-2290)	1.App.G	n	(A-1171)
510.130	am	(P-15790/93; A-2064)	545.60	am	(P-839)	4000.450	r	(A-2290)	210.10	r	(A-1169)
510.150	am	(P-15790/93; A-2064)				4000.460	am	(A-2290)	210.100	r	(A-1169)
510.160	am	(P-15790/93; A-2064)	545.70	am	(P-839)	4000.465	n	(A-2290)	210.110	r	(A-1169)
510.170	am	(P-15790/93; A-2064)				4000.470	r	(A-2290)	210.120	r	(A-1169)
510.180	am	(P-15790/93; A-2064)				4000.475	n	(A-2290)	210.130	r	(A-1169)
510.230	r	(P-15790/93; A-2064)				4000.510	r	(A-2290)	210.140	r	(A-1169)
510.240	am	(P-15790/93; A-2064)				4000.520	r	(A-2290)	210.150	r	(A-1169)
1304.10	r	(A-2088)	130.100	am		4000.530	r	(A-2290)	210.200	r	(A-1169)
1401.10	r	(A-2090)	710.5	n	(A-1156)	4000.540	am	(A-2290)	210.210	r	(A-1169)
1401.20	r	(A-2090)	710.10	am	(A-1156)	4000.550	am	(A-2290)	210.220	r	(A-1169)
1401.25	r	(A-2090)	710.20	am	(A-1156)	4000.560	am	(A-2290)	226.525	am	(A-1930)
1401.30	r	(A-2090)	710.21	am	(A-1156)	4000.570	am	(A-2290)	245.10	n	(P-10131/93; A-237)
1401.40	r	(A-2090)	710.22	am	(A-1156)	4000.580	am	(A-2290)	245.20	n	(P-10131/93; A-237)
1401.50	r	(A-2090)	710.25	#,am	(A-1156)	4000.610	r	(A-2290)	245.30	n	(P-10131/93; A-237)
1401.60	r	(A-2090)	710.30	am	(A-1156)	4000.620	am	(A-2290)	245.40	n	(P-10131/93; A-237)
1401.64	r	(A-2090)	710.50	am	(A-1156)	4010.110	n	(P-578)	245.50	n	(P-10131/93; A-237)
1401.67	r	(A-2090)	710.60	am	(A-1156)	4010.120	n	(P-578)	245.60	n	(P-10131/93; A-237)
1401.70	r	(A-2090)	1010.25	am	(A-1134)	4010.130	n	(P-578)	245.70	n	(P-10131/93; A-237)
1401.80	r	(A-2090)	1010.30	am	(A-1134)	4010.140	n	(P-578)	1501.301	am	(P-569)
1401.90	r	(A-2090)	1050.25	am	(A-1142)	4010.150	n	(P-578)	1501.302	am	(P-569)
1401.100	r	(A-2090)	1050.30	am	(A-1142)	4010.160	n	(P-578)	2700.20	am	(P-1037)
1401.110	r	(A-2090)	1050.40	am	(A-1142)	4010.170	n	(P-578)	2700.30	am	(P-1037)
1401.120	r	(A-2090)	1070.80	am	(P-1)	4010.210	n	(P-578)	2700.40	am	(P-1037)
1401.130	r	(A-2090)	4000.110	am	(A-2290)	4010.220	n	(P-578)	2700.50	am	(P-1037)
1401.140	r	(A-2090)	4000.120	am	(A-2290)	4010.230	n	(P-578)	2700.60	am	(P-1037)
1401.150	r	(A-2090)	4000.130	r,n	(A-2290)	4010.240	n	(P-578)	2720.6	am	(P-1013)
1401.160	r	(A-2090)	4000.140	r	(A-2290)	4010.250	n	(P-578)	2720.10	am	(P-1013)
1401.170	r	(A-2090)	4000.150	r,n	(A-2290)	4010.260	n	(P-578)	2720.20	am	(P-1013)
1401.180	r	(A-2090)	4000.160	r,n	(A-2290)	4010.270	n	(P-578)	2720.30	am	(P-1013)
1411.240	am	(A-2092)	4000.165	n	(A-2290)	4010.280	n	(P-578)	2720.35	n	(P-1013)
1440.10	n	(A-2098)	4000.170	am	(A-2290)	4010.310	n	(P-578)	2720.40	am	(P-1013)
1440.20	n	(A-2098)	4000.210	am	(A-2290)	4010.320	n	(P-578)	2720.41	am	(P-1013)
1440.30	n	(A-2098)	4000.220	r	(A-2290)				2720.42	am	(P-1013)
1440.40	n	(A-2098)	4000.230	r	(A-2290)				2720.50	am	(P-1013)
1440.50	n	(A-2098)	4000.240	am	(A-2290)				2720.55	am	(P-1013)
1440.60	n	(A-2098)	4000.250	am	(A-2290)				2720.70	n	(P-1013)
1440.70	n	(A-2098)	4000.260	am	(A-2290)				2720.80	am	(P-1013)
1440.80	n	(A-2098)	4000.270	am	(A-2290)				2720.90	am	(P-1013)
			4000.280	n	(A-2290)				2730.5	am	(P-1058)
			4000.310	r	(A-2290)				2730.20	am	(P-1058)
			4000.320	r	(A-2290)				2731.10	am	(P-1054)
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2733.20	am	(P-1064)	505.1800	n	(A-2317)	211.270	n	(A-1253)	218.926	am	(A-1945)
2733.30	am	(P-1064)	505.1900	n	(A-2317)	211.1070	n	(A-1253)	218.940	am	(A-1945)
2760.10	am	(P-1073)	505.2000	n	(A-2317)	211.2030	n	(A-1253)	218.943	r	(A-1945)
2760.30	am	(P-1803)	505.2100	n	(A-2317)	211.2610	n	(A-1253)	218.946	am	(A-1945)
2760.40	am	(P-1803)	505.2200	n	(A-2317)	211.3950	n	(A-1253)	218.960	n	(A-1945)
2761.20	am	(P-1073)	505.2300	n	(A-2317)	211.4050	am	(A-1253)	218.963	r	(A-1945)
2761.30	am	(P-1073)	505.2400	n	(A-2317)	211.4830	n	(A-1253)	218.966	am	(A-1945)
2762.30	am	(P-1089)	505.2500	n	(A-2317)	211.4850	n	(A-1253)	218.980	am	(A-1945)
2762.40	am	(P-1089)	505.2600	n	(A-2317)	211.4970	n	(A-1253)	218.983	r	(A-1945)
2763.20	am	(P-1080)	505.2700	n	(A-2317)	211.5390	n	(A-1253)	218.986	am	(A-1945)
2763.40	am	(P-1080)	TITLE 35			211.5530	n	(A-1253)	218.991	n	(A-1945)
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2770.30	am	(P-1102)	106.931	n	(P-959)	211.6170	n	(A-1253)	702.110	am	(P-406)
2771.30	am	(P-1006)	106.932	n	(P-959)	211.6250	n	(A-1253)	703.Ap.A	am	(P-419)
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			106.934	n	(P-959)	211.6650	n	(A-1253)	721.104	am	(P-357)
						211.6710	n	(A-1253)	721.105	am	(P-357)
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						212.113	am	(P-967)	724.201	am	(P-439)
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						212.701	n	(P-967)	724.653	n	(P-439)
						212.702	n	(P-967)	725.101	am	(P-377)
						212.703	n	(P-967)	728.102	am	(P-388)
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						218.108	am	(A-1945)	739.110	am	(P-455)
						218.112	am	(A-1945)	739.111	am	(P-455)
						218.114	n	(A-1945)	739.112	am	(P-455)
						218.402	am	(A-1945)	739.121	am	(P-455)
						218.602	am	(A-1945)	739.122	am	(P-455)
						218.611	am	(A-1945)	739.123	am	(P-455)
						218.620	am	(A-1945)	739.124	am	(P-455)
						218.623	r	(A-1945)	739.140	am	(P-455)
						218.660	n	(A-1945)	739.141	am	(P-455)
						218.666	n	(A-1945)	739.142	am	(P-455)
						218.667	am	(A-1945)	739.143	am	(P-455)
						218.668	n	(A-1945)	739.145	am	(P-455)
						218.670	n	(A-1945)	739.146	am	(P-455)
						218.672	n	(A-1945)	739.151	am	(P-455)
						218.680	n	(A-1945)	739.152	am	(P-455)
						218.686	n	(A-1945)	739.154	am	(P-455)
						218.688	n	(A-1945)	739.156	am	(P-455)
						218.690	n	(A-1945)	739.157	am	(P-455)
						218.692	n	(A-1945)	739.158	am	(P-455)
						218.920	am	(A-1945)	739.160	am	(P-455)

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739.164	am	(P-455)	II.D	am	(A-1308)
739.165	am	(P-455)	811.Ap.A	am	(A-1308)
739.170	am	(P-455)	II.E	am	(A-1308)
739.171	am	(P-455)	811.Ap.B	am	(A-1308)
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739.173	am	(P-455)	814.102	am	(A-1284)
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810.103	am	(A-1268)	814.104	am	(A-1284)
810.104	am	(A-1268)	814.105	am	(A-1284)
811.101	am	(A-1308)	814.107	n	(A-1284)
811.107	am	(A-1308)	814.108	n	(A-1284)
811.110	am	(A-1308)	814.109	n	(A-1284)
811.111	am	(A-1308)	814.302	am	(A-1284)
811.112	n	(A-1308)	814.402	am	(A-1284)
811.302	am	(A-1308)	814.501	am	(A-1284)
811.303	am	(A-1308)	814.Ap.A	n	(A-1284)
811.309	am	(A-1308)			
811.310	am	(A-1308)			
811.311	am	(A-1308)			
811.314	am	(A-1308)			
811.318	am	(A-1308)			
811.319	am	(A-1308)			
811.320	am	(A-1308)			
811.323	am	(A-1308)			
811.324	n	(A-1308)			
811.325	n	(A-1308)			
811.326	n	(A-1308)			
811.700	am	(A-1308)			
811.701	am	(A-1308)			
811.702	am	(A-1308)			
811.703	am	(A-1308)			
811.704	am	(A-1308)			
811.705	am	(A-1308)			
811.706	am	(A-1308)			
811.707	am	(A-1308)			
811.708	am	(A-1308)			
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811.710	am	(A-1308)			
811.711	am	(A-1308)			
811.712	am	(A-1308)			
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811.714	am	(A-1308)			
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811.Ap.A	am	(A-1308)			
II.A	am	(A-1308)			
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310.401	am	(A-1939)	310.401	am	(E-956)
360.101	am	(P-1669)(E-2124)	360.101	am	(E-956)
360.103	am	(P-1669)(E-2124)	360.103	am	(E-956)
360.104	am	(P-1669)(E-2124)	360.104	am	(E-956)
360.106	am	(P-1669)(E-2124)	360.106	am	(E-956)
360.109	am	(P-1669)(E-2124)	360.109	am	(E-956)
360.114	am	(P-1669)(E-2124)	360.114	am	(E-956)
360.201	am	(P-1669)(E-2124)	360.201	am	(E-956)
360.202	am	(P-1669)(E-2124)	360.202	am	(E-956)
360.203	am	(P-1669)(E-2124)	360.203	am	(E-956)
360.204	n	(P-1669)(E-2124)	360.204	n	(E-956)
360.301	am	(P-1669)(E-2124)	360.301	am	(E-956)
360.303	am	(P-1669)(E-2124)	360.303	am	(E-956)
360.304	am	(P-1669)(E-2124)	360.304	am	(E-956)
360.305	am	(P-1669)(E-2124)	360.305	am	(E-956)
360.309	am	(P-1669)(E-2124)	360.309	am	(E-956)
360.310	am	(P-1669)(E-2124)	360.310	am	(E-956)
360.401	r	(P-1669)(E-2124)	360.401	r	(E-956)
360.502	am	(P-1669)(E-2124)	360.502	am	(E-956)
360.503	am	(P-1669)(E-2124)	360.503	am	(E-956)
360.505	am	(P-1669)(E-2124)	360.505	am	(E-956)
360.506	am	(P-1669)(E-2124)	360.506	am	(E-956)
360.507	am	(P-1669)(E-2124)	360.507	am	(E-956)
360.601	am	(P-1669)(E-2124)	360.601	am	(E-956)
360.602	am	(P-1669)(E-2124)	360.602	am	(E-956)
360.603	am	(P-1669)(E-2124)	360.603	am	(E-956)
360.801	am	(P-1669)(E-2124)	360.801	am	(E-956)
360.802	am	(P-1669)(E-2124)	360.802	am	(E-956)
360.803	am	(P-1669)(E-2124)	360.803	am	(E-956)
360.804	am	(P-1669)(E-2124)	360.804	am	(E-956)
360.901	am	(P-1669)(E-2124)	360.901	am	(E-956)
360.902	am	(P-1669)(E-2124)	360.902	am	(E-956)
360.903	am	(P-1669)(E-2124)	360.903	am	(E-956)
360.904	am	(P-1669)(E-2124)	360.904	am	(E-956)
360.905	am	(P-1669)(E-2124)	360.905	am	(E-956)
360.1101	am	(P-1669)(E-2124)	360.1101	am	(E-956)
360.1102	am	(P-1669)(E-2124)	360.1102	am	(E-956)
365.101	n	(E-956)	365.101	n	(E-956)
365.102	n	(E-956)	365.102	n	(E-956)
365.103	n	(E-956)	365.103	n	(E-956)
365.104	n	(E-956)	365.104	n	(E-956)
365.105	n	(E-956)	365.105	n	(E-956)
365.106	n	(E-956)	365.106	n	(E-956)
365.107	n	(E-956)	365.107	n	(E-956)
365.108	n	(E-956)	365.108	n	(E-956)
365.109	n	(E-956)	365.109	n	(E-956)

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1250.10	n	(A-2230)	1250.10	n	(A-2230)
1250.20	n	(A-2230)	1250.20	n	(A-2230)
1250.30	n	(A-2230)	1250.30	n	(A-2230)
1250.40	n	(A-2230)	1250.40	n	(A-2230)
2012.10	am	(A-2238)	2012.10	am	(A-2238)
2012.20	am	(A-2238)	2012.20	am	(A-2238)
2012.30	am	(A-2238)	2012.30	am	(A-2238)
2012.40	am	(A-2238)	2012.40	am	(A-2238)
2012.50	am	(A-2238)	2012.50	am	(A-2238)
2012.55	n	(A-2238)	2012.55	n	(A-2238)
2012.60	am	(A-2238)	2012.60	am	(A-2238)
2012.65	n	(A-2238)	2012.65	n	(A-2238)



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2012.70	am	(A-2238)	610.30	am	(A-1875)	270.1600	n	(A-2424)	547.100	n	(P-95)
2012.80	am	(A-2238)	610.40	am	(A-1875)	270.1700	n	(A-2424)	547.200	n	(P-95)
2012.90	am	(A-2238)	610.60	am	(A-1875)	270.1800	n	(A-2424)	547.300	n	(P-95)
2012.95	n	(A-2238)	1285.80	am	(RQ-21209/93; EC-312)	270.1900	n	(A-2424)	547.400	n	(P-95)
2012.100	am	(A-2238)	1315.110	am	(P-590)	270.2000	n	(A-2424)	547.500	n	(P-95)
2012.110	am	(A-2238)	1315.120	am	(P-590)	270.2100	n	(A-2424)	547.600	n	(P-95)
2012.115	n	(A-2238)	1315.130	am	(P-590)	270.2200	n	(A-2424)	547.700	n	(P-95)
2012.120	am	(A-2238)	1315.140	am	(P-590)	270.2300	n	(A-2424)	672.100	am	(A-2450)
2012.122	n	(A-2238)	1315.150	am	(P-590)	300.120	am	(A-1491)	672.105	am	(A-2450)
2012.124	n	(A-2238)	1315.160	am	(P-590)	300.140	am	(A-1491)	672.115	am	(A-2450)
2012.126	am	(A-2238)	1315.163	n	(P-590)	300.150	am	(A-1491)	672.205	am	(A-2450)
2012.130	am	(A-2238)	1315.170	am	(P-590)	300.160	am	(A-1491)	672.210	am	(A-2450)
2012.140	n	(A-2238)	1315.180	r	(P-590)	300.282	am	(A-1491)	672.220	am	(A-2450)
2012.150	n	(A-2238)	1315.200	am	(P-590)	300.2860	am	(A-1491)	672.225	am	(A-2450)
2012.Ex.C	am	(A-2238)	1350.90	r	(P-590)	330.120	am	(A-1475)	672.300	am	(A-2450)
2012.Ex.D	n	(A-2238)	1350.100	am	(P-590)	330.140	am	(A-1475)	672.310	am	(A-2450)
2017.10	n	(P-37)	1455.15	am	(A-2379)	330.150	am	(A-1475)	672.315	am	(A-2450)
2017.20	n	(P-37)	1455.30	am	(A-2379)	330.160	am	(A-1475)	672.405	am	(A-2450)
2017.30	n	(P-37)	1455.200	am	(A-2379)	330.282	am	(A-1475)	672.415	am	(A-2450)
2017.40	n	(P-37)	1455.205	n	(A-2379)	350.110	am	(A-1432)	672.420	am	(A-2450)
2017.50	n	(P-37)	1455.210	am	(A-2379)	350.120	am	(A-1432)	672.425	am	(A-2450)
2017.60	n	(P-37)	1455.300	am	(A-2379)	350.140	am	(A-1432)	672.435	am	(A-2450)
2017.70	n	(P-37)	1470.5	r	(A-2370)	350.150	am	(A-1432)	672.440	am	(A-2450)
6201.70	am	(A-2282)	1470.7	r	(A-2370)	350.160	am	(A-1432)	672.450	am	(A-2450)
6201.75	n	(A-2282)	1470.20	am	(A-2370)	350.282	am	(A-1432)	672.505	am	(A-2450)
			1470.80	am	(A-2370)	390.110	am	(A-1453)	672.510	am	(A-2450)
			1470.90	am	(A-2370)	390.120	am	(A-1453)	672.515	am	(A-2450)
<b>TITLE 56</b>			<b>TITLE 74</b>			390.140	am	(A-1453)	672.520	am	(A-2450)
350.280	am	(P-1672)	275.10	n	(P-1664)(E-2119)	390.150	am	(A-1453)	672.600	am	(A-2450)
2630.80	am	(P-855)				390.160	am	(A-1453)	672.605	am	(A-2450)
2630.81	r	(P-855)	<b>TITLE 77</b>			390.282	am	(A-1453)	672.610	am	(A-2450)
2630.82	am	(P-855)	245.40	am	(A-2414)	390.2660	am	(A-1453)	672.615	am	(A-2450)
2630.83	am	(P-855)	250.110	am	(P-46)	420.1	r	(P-103)	672.620	am	(A-2450)
2630.84	r	(P-855)	250.120	am	(P-46)	420.2	r	(P-103)	672.640	am	(A-2450)
2630.85	am	(P-855)	250.315	am	(P-46)	420.10	r	(P-103)	672.645	am	(A-2450)
2630.101	r	(P-855)	250.450	am	(P-46)	420.20	r	(P-103)	672.650	am	(A-2450)
2630.102	r	(P-855)	250.1820	am	(P-46)	420.30	r	(P-103)	672.660	am	(A-2450)
2630.105	am	(P-855)	250.1830	am	(P-46)	420.40	r	(P-103)	672.665	am	(A-2450)
2630.112	am	(P-855)	250.2450	am	(P-46)	420.50	r	(P-103)	690.100	am	(P-1691)
2760.140	am	(P-16319/93; A-261)	270.1000	n	(A-2424)	420.60	r	(P-103)	690.110	n	(P-1691)
2770.100	am	(P-17628/93; A-250)	270.1050	n	(A-2424)	420.61	r	(P-103)	690.200	am	(P-1691)
2770.105	am	(P-17628/93; A-250)	270.1100	n	(A-2424)	505.10	n	(P-13631/93; A-533)	690.300	am	(P-1691)
2770.110	am	(P-17628/93; A-250)	270.1200	n	(A-2424)	505.20	n	(P-13631/93; A-533)	690.310	am	(P-1691)
<b>TITLE 68</b>			270.1300	n	(A-2424)	505.30	n	(P-13631/93; A-533)	690.320	am	(P-1691)
590.5	am	(A-1865)	270.1400	n	(A-2424)	505.40	n	(P-13631/93; A-533)	690.325	n	(P-1691)
590.30	am	(A-1865)	270.1500	n	(A-2424)	505.50	n	(P-13631/93; A-533)	690.330	am	(P-1691)
610.10	am	(A-1875)				505.Ap.A	n	(P-13631/93; A-533)	690.350	am	(P-1691)
610.20	r	(A-1875)									

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690.365	n	(P-1691)	960.90	n	(P-2180)	415.1080	r	(P-937)	700.230	n	(A-1561)
690.370	am	(P-1691)	960.100	n	(P-2180)	415.2010	n	(P-937)	700.300	n	(A-1561)
690.390	n	(P-1691)	960.110	n	(P-2205)	415.2070	n	(P-937)	700.310	n	(A-1561)
690.400	am	(P-1691)	960.120	n	(P-2205)	415.2110	n	(P-937)	700.320	n	(A-1561)
690.410	am	(P-1691)				415.2140	n	(P-937)	700.330	n	(A-1561)
690.420	am	(P-1691)	960.130	n	(P-2205)	415.4390	am	(P-937)	700.340	n	(A-1561)
690.450	am	(P-1691)	960.210	r	(P-2180)	505.10	am	(P-946)	700.400	n	(A-1561)
690.460	am	(P-1691)	960.220	r	(P-2180)	505.20	am	(P-946)	700.500	n	(A-1561)
690.470	am	(P-1691)	960.230	r	(P-2180)	505.210	am	(P-946)			
690.475	am	(P-1691)	960.240	r	(P-2180)	505.250	am	(P-946)			
690.480	am	(P-1691)	960.250	r	(P-2180)	505.270	r	(P-946)			
690.490	am	(P-1691)	960.310	r	(P-2180)	505.280	r	(P-946)			
690.495	n	(P-1691)	960.320	r	(P-2180)	505.330	am	(P-946)			
690.505	am	(P-1691)	960.330	r	(P-2180)	505.370	am	(P-946)			
690.510	am	(P-1691)	960.340	r	(P-2180)	505.420	r	(P-946)			
690.530	am	(P-1691)	960.350	r	(P-2180)	505.430	am	(P-946)			
690.540	r	(P-1691)				505.450	r	(P-946)			
690.560	am	(P-1691)				505.470	am	(P-946)			
690.570	am	(P-1691)				505.500	am	(P-946)			
690.590	am	(P-1691)	275.10	n	(A-2119)	505.1020	r	(P-946)			
690.600	am	(P-1691)				505.1080	r	(P-946)			
690.610	am	(P-1691)				505.2010	n	(P-946)			
690.630	am	(P-1691)	250.110	am	(A-1901)	505.2070	n	(P-946)			
690.640	am	(P-1691)	302.570	am	(A-1892)	505.2110	n	(P-946)			
690.650	am	(P-1691)	302.825	am	(A-1892)	505.2140	n	(P-946)			
690.660	am	(P-1691)	302.840	am	(A-1892)	505.4090	r	(P-946)			
690.670	am	(P-1691)	310.290	am	(A-1107)	505.4390	am	(P-946)			
690.695	am	(P-1691)	310.450	am	(A-1107)	735.100	am	(P-927)			
690.710	am	(P-1691)	310.455	am	(A-1107)	735.130	am	(P-927)			
690.725	n	(P-1691)	310.495	am	(P-13657/93; A-227)	792.10	n	(A-1919)			
690.730	n	(P-1691)	310.530	am	(A-1107)	792.10	n	(A-1919)			
690.900	am	(P-1691)	310.540	am	(A-1107)	792.20	n	(A-1919)			
690.1000	am	(P-1691)	310.Ap.C	am	(A-1107)	792.30	n	(A-1919)			
690.1010	am	(P-1691)	310.Ap.D	am	(A-1107)	792.40	n	(A-1919)			
690.1200	am	(P-1691)	310.Ap.G	n,am	(P-13657/93; A-227; A-1107)	792.50	n	(A-1919)			
690.1210	r	(P-1691)									
Ex. A	r	(P-1691)									
692.10	am	(A-1427)	280.50	am	(P-918)	100.3350	am	(A-2494)			
692.App.A	am	(A-1427)	280.130	am	(P-918)	120.10	am	(P-1789)			
692.App.B	am	(A-1427)	415.10	am	(P-937)	130.901	am	(A-1537)			
960.10	n	(P-2180)	415.20	am	(P-937)	130.905	am	(A-1537)			
960.20	n	(P-2180)	415.210	am	(P-937)	150.1001	am	(A-1584)			
960.30	n	(P-2180)	415.250	am	(P-937)	150.1415	am	(A-1584)			
960.40	n	(P-2180)	415.270	r	(P-937)	700.100	n	(A-1561)			
960.50	n	(P-2180)	415.280	r	(P-937)	700.110	n	(A-1561)			
960.60	n	(P-2180)	415.420	r	(P-937)	700.200	n	(A-1561)			
960.70	n	(P-2180)	415.430	am	(P-937)	700.210	n	(A-1561)			
960.80	n	(P-2180)	415.450	r	(P-937)	700.220	n	(A-1561)			
			415.1020	r	(P-937)						



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600.50	n	(P-12613/93; A-540)	1375.80	r	(A-1927)
600.60	n	(P-12613/93; A-540)	1375.85	r	(A-1927)
600.70	n	(P-12613/93; A-540)	1375.1000	r	(A-1927)
600.80	n	(P-12613/93; A-540)	1375.1010	r	(A-1927)
600.90	n	(P-12613/93; A-540)	1375.1020	r	(A-1927)
600.100	n	(P-12613/93; A-540)	1375.1030	r	(A-1927)
600.110	n	(P-12613/93; A-540)	1375.1040	r	(A-1927)
600.120	n	(P-12613/93; A-540)	1375.1050	r	(A-1927)
600.130	n	(P-12613/93; A-540)	1375.1060	r	(A-1927)
708.60	am	(P-1811)	1375.1070	r	(A-1927)
708.70	am	(P-1811)	1375.1080	r	(A-1927)
1030.96	n	(P-993)	1375.1090	r	(A-1927)
1030.97	n	(A-993)	1375.1100	r	(A-1927)
1040.43	am	(P-1797)	1375.1110	r	(A-1927)
1060.5	am	(P-142)	1375.1120	r	(A-1927)
1060.10	am	(P-142)	1375.1130	r	(A-1927)
1060.20	am	(P-142)	1375.1140	r	(A-1927)
1060.30	am	(P-142)	1375.1150	r	(A-1927)
1060.40	am	(P-142)	1375.1160	r	(A-1927)
1060.50	am	(P-142)	1375.1170	r	(A-1927)
1060.60	am	(P-142)	1375.2010	r	(A-1927)
1060.70	am	(P-142)	1375.2020	r	(A-1927)
1060.80	am	(P-142)	1375.2030	r	(A-1927)
1060.90	am	(P-142)	1375.2040	r	(A-1927)
1060.100	am	(P-142)	1375.2050	r	(A-1927)
1060.110	am	(P-142)	1375.2060	r	(A-1927)
1060.120	am	(P-142)	1375.2070	r	(A-1927)
1060.130	am	(P-142)	1375.2080	r	(A-1927)
1060.140	am	(P-142)	1375.3010	r	(A-1927)
1060.150	am	(P-142)	1375.3020	r	(A-1927)
1060.160	am	(P-142)	1375.3030	r	(A-1927)
1060.170	am	(P-142)	1375.4010	r	(A-1927)
1060.180	am	(P-142)	1375.5010	r	(A-1927)
1060.190	am	(P-142)	1375.6010	r	(A-1927)
1060.200	am	(P-142)	1375.6020	r	(A-1927)
1070.40	am	(P-2217)	1375.6030	r	(A-1927)
1070.60	am	(P-2217)	1375.7010	r	(A-1927)
1070.80	am	(P-2217)	1375.7020	r	(A-1927)
1070.90	am	(P-2217)	1375.7030	r	(A-1927)
1070.100	am	(P-2217)	1375.7040	r	(A-1927)
1236.10	n	(A-1924)	1375.7050	r	(A-1927)
1375.10	r	(A-1927)	1375.7060	r	(A-1927)
1375.15	r	(A-1927)	1375.7070	r	(A-1927)
1375.20	r	(A-1927)	1375.7080	r	(A-1927)
1375.30	r	(A-1927)	1375.7090	r	(A-1927)
1375.40	r	(A-1927)	1375.7100	r	(A-1927)
1375.50	r	(A-1927)	1375.7110	r	(A-1927)
1375.60	r	(A-1927)	1375.7120	r	(A-1927)